

LANDMINE MONITOR CORE GROUP

Coordinator:

HUMAN RIGHTS WATCH
1630 Connecticut Ave, NW, Suite 500
Washington, DC 20009
USA
Tel. +1-202-612-4356
Fax. +1-202-612-4333
email. wareham@hrw.org
www.hrw.org

HANDICAP INTERNATIONAL

rue de Spastraat 67
B-1000 Brussels
BELGIUM
Tel. +32-2-286-50-59
Fax. +32-2-230-60-30
email. stan.brabant@handicap.be
www.handicapinternational.be

KENYAN COALITION AGAINST LANDMINES

PO Box 57217
Nairobi
KENYA
Tel. +254-2-223-307/222-095
Fax. +254-2-223-307/245-549
email. kcal@africaonline.co.ke

MINES ACTION CANADA

1 Nicholas Street, Suite 1210
Ottawa, Ont, K1N 7B7
CANADA
Tel. +1-613-241-3777
Fax. +1-613-244-3410
email. macpaul@web.ca
www.minesactioncanada.org

NORWEGIAN PEOPLE'S AID

PO Box 8844, Youngstorget
NO-0028, Oslo
NORWAY
Tel. +47-22-03-77-77
Fax. +47-22-20-08-70
email. lm@npaid.org
www.npaid.org

LANDMINE MONITOR FACT SHEET

Prepared by Human Rights Watch

For the Seventh Meeting of the Intersessional Standing Committee
on the General Status and Operation of the 1997 Mine Ban Treaty

Geneva, Switzerland

7 February 2003

Transparency Measures Reporting (Article 7)

Article 7 (Transparency Measures) of the 1997 Mine Ban Treaty states that "Each State Party shall report to the Secretary General of the United Nations as soon as practicable, and in any event not later than 180 days after the entry into force of this Convention for that State Party" on steps taken to implement aspects of the convention. Thereafter, States Parties are obligated to report annually, by 30 April, on the preceding calendar year.

As of 28 January 2003, the UN has posted initial transparency measures reports from 103 States Parties (see <http://disarmament.un.org/mineban.nsf>). **The overall compliance rate of States Parties submitting initial transparency measures reports is 83 percent.** This is a commendable improvement from the 66 percent compliance rate reported in January 2002. Congratulations to those State Parties that have submitted initial reports since May 2002: Bangladesh, Chile, Congo Brazzaville, Djibouti, Dominica, Gabon, Gambia, Ghana, Guinea-Bissau, Maldives, Niger, Trinidad and Tobago, and Venezuela.

LATE INITIAL REPORTS

A total of 21 States Parties are late in submitting their initial transparency measures report as required by Article 7 and are listed below:

State Party	Due Date for Initial Report
Equatorial Guinea	28 August 1999
Malawi	28 August 1999
Namibia	28 August 1999
Guinea	28 September 1999
Qatar	28 September 1999
Barbados	28 December 1999
Solomon Islands	28 December 1999
Saint Lucia	29 March 2000
Tajikistan	28 September 2000
Liberia	28 November 2000
Togo	28 February 2001
Cote d'Ivoire	30 May 2001
Seychelles	30 May 2001
Nauru	31 July 2001
Tanzania	28 October 2001
Sierra Leone	30 March 2002
Cape Verde	30 April 2002
Eritrea	31 July 2002
St. Vincent & Grenadines	31 July 2002
Nigeria	28 August 2002
Algeria	28 September 2002

PENDING DEADLINES

Initial transparency measures reports will be due from seven States Parties in 2003. These deadlines are listed below:

State Party	Initial Report Due Date
DR Congo	30 April 2003
Suriname	30 April 2003
Angola	30 June 2003
Afghanistan	28 August 2003
Comoros	28 August 2003
Central African Rep	27 October 2003
Cyprus	27 December 2003

MEASURES TO IMPROVE TRANSPARENCY

Late Reporting

A total of 21 States Parties are late in submitting their initial transparency measures report. These governments have thus far failed to fulfill a treaty obligation; Article 7 reporting is not optional; 180 days after entry into force is a legal deadline, not a target date. Timely reporting is also an important indicator of a government's commitment to the eradication of antipersonnel mines. It is important that governments meet the obligations of the convention, so as to build confidence in their intention and ability to meet other vital obligations. Article 7 reporting is also crucial because it can provide a wealth of information that will be useful to mine action practitioners and convey needs and requirements to donors.

The ICBL appreciates that the Standing Committee on General Status and Operation has highlighted this problem and has sought ways to remedy it. States Parties and non-governmental organizations should make every effort to ascertain why a government is late, should provide strong encouragement to report as soon as possible, and most importantly, should provide any possible assistance in completing the report (consistent with Article 6 of the convention). Those in need of assistance and those willing to provide it should make known precisely what type of assistance (technical, translation, etc.) is needed and available, respectively. Several important initiatives are underway on this matter and the ICBL urges governments to support these initiatives in all ways possible:

- The NGO VERTIC, in cooperation with the ICBL and ICRC, has developed a reporting handbook.
- Belgium has taken the lead in coordinating an Article 7 Contact Group to encourage and facilitate reporting. The Implementation Support Unit has also taken an active role in this area.
- The website with the Article 7 reports has recently been redesigned and made more user friendly (see <http://disarmament.un.org/mineban.nsf>). The reporting guide and forms are available there in the six official UN languages.

Voluntary Reporting (Form J)

Form J, the voluntary reporting attachment to the Article 7 Report for 2001 was submitted by eight mine-affected States and 23 non-affected States to report on victim assistance and other mine action activities. The mine-affected States include Albania, Cambodia, Colombia, Ecuador, Honduras, Mozambique, Peru, and Thailand. The non-affected states include Australia, Austria, Belgium, Brazil, Bulgaria, Canada, France, Germany, Ireland, Italy, Jamaica, Japan, Liechtenstein, Malta, Mexico, Netherlands, New Zealand, Norway, Portugal, Slovakia, South Africa, Spain, and Sweden. In addition, Croatia, Nicaragua, and Yemen provided victim assistance information as part of Article 7's Form I.

The ICBL welcomes the new Form J for voluntary Article 7 reporting, and urges governments to utilize this Form, especially for reporting on victim assistance matters. The ICBL Working Group on Victim Assistance has prepared Form J reporting guidelines.

Reporting on Retained Mines Under Article 3 (Form D)

It is important to have complete transparency on mines retained for training. The ICBL strongly supports the recommendation of the Standing Committee on General Status and Operation of the Convention that States Parties should in their Article 7 reports “include information on the intended purpose and actual use” of retained mines. States Parties should report on the number of retained mines used in each year and how the mines were used. Belgium, Canada, and Sweden have commendably provided substantial detail on the anticipated purpose and then actual use of the retained mines in their Article 7 reports submitted in 2002. Several States Parties reported the number of antipersonnel mines used in training and for research and development purposes in 2001: Australia (119), Belgium (334), Brazil (5), Bulgaria (326), Canada (59), Czech Republic (10), Denmark (15), Germany (179), France (47), and South Africa (50). Some countries, while not providing a yearly total, have reported on the number of mines consumed between 1999 and 2001 including Japan (3,777) and Yemen (120).

Reporting on the Conversion of Production Facilities (Form E)

States Parties are also required to report on the status of efforts to convert or decommission former production facilities. A total of twenty former antipersonnel mines producers have done so: Albania, Argentina, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Colombia, Czech Republic, Denmark, France, Hungary, Italy, Japan, Peru, Portugal, South Africa, Spain, Sweden, Switzerland, and the United Kingdom. Former producers that have not reported on the conversion or decommissioning of production facilities include: Australia, Austria, Belgium, Chile, Croatia, Germany, Netherlands, Nicaragua, Norway, Philippines, Romania, Uganda, and Zimbabwe.

Voluntary Reporting on Special Issues of Concern

- **Reporting on Foreign Stocks:** A State Party is required to report on mines “owned or possessed by it, or under its jurisdiction or control.” States Parties should report on foreign stockpiles in order to be consistent with at least the spirit if not the letter of the convention. Yet, Germany, Japan, and the United Kingdom have not mentioned the existence of U.S. antipersonnel mine stocks in their Article 7 reports. Norway acknowledged that “[t]here are pre-stocked U.S. mines on Norwegian territory,” but “[d]ue to previously concluded agreements, information on pre-stocked military materiel is not available for reporting.” Qatar, which also hosts U.S. stocks, is late submitting its initial Article 7 report. Tajikistan, which is believed to host Russian stocks, is also late submitting its report.
- **Reporting on Prohibited Antivehicle Mines with Antihandling Devices:** According to the definitions in the treaty, antivehicle mines (AVM) with sensitive fuzing mechanisms (such as tilt rods or tripwires) and AVM equipped with antihandling devices (AHD) which explode from an unintentional act of a person – that is to say, AVM that function like antipersonnel mines -- are banned by the treaty. Thus, prohibited AVM with overly sensitive fuses or overly sensitive AHD should be included in Article 7 reporting, including types and numbers possessed, modified and destroyed. Yet, no government that has submitted an Article 7 report has given any details on prohibited AVM captured by the treaty, even though several governments have destroyed or modified such mines.
- **Reporting on Claymore Mines:** Claymore mines (directional fragmentation munitions) are legal under the Mine Ban Treaty as long as they are command detonated, and not victim-actuated (used with a tripwire). States Parties that retain Claymore mines must use them in command-detonated mode only. Though not legally obligated, States Parties should report on stockpiled Claymore mines and steps taken to ensure their use in command detonated mode only. This will contribute to effective and uniform state practice regarding use of Claymore mines. Only Sweden has reported on the measures taken to modify its Claymore mines in its Article 7 report.

The 103 States Parties that have submitted initial transparency measures reports are listed below:

Albania	Czech Rep.	Kiribati	Portugal
Andorra	Denmark	Lesotho	Romania
Antigua and Barbuda	Djibouti	Liechtenstein	Rwanda
Argentina	Dominica	Luxembourg	Saint Kitts & Nevis
Australia	Dominican Rep.	Macedonia FYR	Samoa
Austria	Ecuador	Madagascar	San Marino
Bahamas	El Salvador	Malaysia	Senegal
Bangladesh	Fiji	Maldives	Slovakia
Belgium	France	Mali	Slovenia
Belize	Gabon	Malta	South Africa
Benin	Gambia	Mauritania	Spain
Bolivia	Germany	Mauritius	Swaziland
Bosnia Herzegovina	Ghana	Mexico	Sweden
Botswana	Grenada	Moldova	Switzerland
Brazil	Guatemala	Monaco	Thailand
Bulgaria	Guinea-Bissau	Mozambique	Trinidad & Tobago
Burkina Faso	Holy See	Netherlands	Tunisia
Cambodia	Honduras	New Zealand	Turkmenistan
Cameroon	Hungary	Nicaragua	Uganda
Canada	Iceland	Niger	Uruguay
Chad	Ireland	Niue	United Kingdom
Chile	Italy	Norway	Venezuela
Colombia	Jamaica	Panama	Yemen
Congo Brazzaville	Japan	Paraguay	Zambia
Costa Rica	Jordan	Peru	Zimbabwe
Croatia	Kenya	Philippines	

Submit Reports and Notifications to:
United Nations, Department for Disarmament Affairs, S-3100
New York, NY 10017 USA
Attn: Ms. Tamara Malinova
Email. malinova@un.org
Telephone +1.212.963.8199
Fax +1.212.963.8995