

Article 7 (Transparency Measures) of the 1997 Convention on the Prohibition of the Use, Stockpiling, Production, and Transfer of Anti-Personnel Mines and On Their Destruction 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. (See below for full text of Article 7).

To date, thirty-one reports have been received by the UN. They are Australia, Austria, Belgium, Belize, Benin, Bulgaria, Canada, Croatia, Denmark, France, Germany, Holy See, Honduras, Hungary, Ireland, Japan, Jordan, Macedonia, Mexico, Niue, Norway, Senegal, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Thailand, United Kingdom, and Yemen.

At the First Meeting of States Parties in Maputo, Mozambique in May 1999, governments decided to make Article 7 reports publicly available, including on the internet. Also, an Article 7 reporting format was adopted, with States Parties encouraged to do so electronically, and it was agreed reports could be submitted in any of the convention's six authentic languages. Making the reports public was a step called for by the ICBL and considered of great importance. States Parties are to be commended for this commitment to transparency. It stands in stark contrast to the decisions recently made with regard to transparent reporting at the CCW Protocol II annual conference in Geneva in December 1999. The UN deserves recognition for the timely fashion in which it has put the reports on the internet.

Among Human Rights Watch's concerns with regard to Article 7 reporting are: late reporting; inconsistent reporting; lack of reporting on foreign stockpiles, on prohibited antivehicle mines with antihandling devices, and on directional fragmentation (Claymore-type) mines; the need for expanded Article 3 reporting; and the need for reporting on victim assistance matters.

## Late Reporting

Thirty-four countries are late in submitting their reports. These governments have thus far failed to fulfill a treaty obligation; Article 7 reporting is not optional, and 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 landmines. It is important that governments meet the early obligations of the convention, so as to build confidence in their intention and ability to meet other, more vital obligations. Article 7 reporting is also crucial because it can provide a wealth of information that will be useful to mine action practitioners.

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). Countries such as Canada, South Africa, and Austria have made admirable efforts to encourage and facilitate Article 7 reporting, including their demarches (with background on reporting requirements, a copy of Article 7, and list of due dates). Human Rights Watch has been issuing regular "Reporting Updates" to the ICBL network in some ninety countries, informing them of the status of Article 7 reporting and encouraging NGOs to engage governments on the issue.

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. The Committee 5 SCE can facilitate that exchange of information.

### *Late reports that were due by 27 August 1999*

- Andorra
- Bahamas
- Bolivia
- Bosnia Herzegovina
- Burkina Faso
- Djibouti
- Equatorial Guinea
- Fiji
- Grenada
- Jamaica
- Malawi
- Mali
- Mauritius

- Mozambique
- Namibia
- Peru
- Samoa
- San Marino
- Trinidad and Tobago
- Turkmenistan
- Zimbabwe

*Late reports that were due by 27 September 1999*

- Guinea
- Panama
- Qatar

*Late reports that were due by 27 October 1999*

- Monaco
- Nicaragua
- Paraguay

*Late reports that were due by 27 November 1999*

- Lesotho
- St. Kitts & Nevis
- Swaziland

*Late reports that were due by 27 December 1999*

- Barbados
- El Salvador
- New Zealand
- Solomon Islands

(See below for Due Dates of Article 7 Reports in 2000)

## **Inconsistent Reporting**

The purpose of this fact sheet is not to provide a detailed analysis of each of the thirty-one Article 7 reports that have been submitted thus far. An extensive country-by-country reporting analysis will be included in the next ICBL Landmine Monitor annual report, to be released at the Second Meeting of States Parties in Geneva in September 2000. In general, a tremendous amount of information has already been generated through the Article 7 process, with the degree of transparency reflecting a desire to truly eliminate antipersonnel mines, and in many cases the degree of specificity providing valuable information for mine action practitioners.

Perhaps not surprisingly for the first round of reporting, there is a great deal of inconsistency in the detail and approach to reporting of the various States Parties. Some reports are very extensive and include many attachments such as maps, laws, photos, and technical annexes. Other states are inclined to "yes, no, not applicable" type responses. Some have made excellent use of the "supplemental information" boxes; others have ignored it completely. States Parties should learn from each other and try to develop minimum standards for adequate reporting. The Committee 5 SCE could possibly play an informal role in approaching those who need to be aware of, and helped with, their limited reporting.

Reports have been submitted in four different languages thus far (Arabic, English, French, and Spanish). States Parties should revisit the question of translation and decide if having reports available only in the language submitted provides the greatest benefit.

## **Lack of Reporting on Foreign Stocks**

The United States has approximately 530,000 antipersonnel mines stockpiled in six States Parties: Germany (112,000), Italy (91,000), Japan (156,000), Norway (123,000), Spain (38,000), and United Kingdom (10,000). The US has engaged in discussions with the States Parties in an effort to convince them to allow the US mines to stay; apparently all except Germany have indicated that the US mines must be removed at some point. States Parties should report on the US stockpiles in order to be consistent with at least the spirit if not the letter of the convention. Yet, Germany, Japan, Spain and the United Kingdom did not even mention the existence of US AP mine stocks in their Article 7 reports. Norway acknowledged that "[t]here are pre-stocked US mines on Norwegian territory," but "[d]ue to previously concluded agreements, information on pro-stocked military materiel is not available for reporting." Italy's report is not due until 29 March 2000.

## Lack of Reporting on Prohibited AVMs with AHDs

The ICBL believes that according to the definitions in the treaty, antivehicle mines (AVMs) equipped with antihandling devices (AHDs) that function like AP mines explode from an unintentional or innocent act are banned by the treaty. The diplomatic record would support this view, as it was made explicit during the negotiations in Oslo in September 1997.

Thus, prohibited AVMs with AHDs should be included in Article 7 reporting, including types and numbers possessed, modified and destroyed. Yet, none of the governments that have submitted Article 7 reports have given any details on antivehicle mines equipped with antihandling devices.

## Lack of Reporting on Claymore-type Mines

Claymore mines (directional fragmentation mines) are legal under the Mine Ban Treaty as long as they are command detonated, and not victim-actuated, or used with a tripwire. States parties that retain Claymores must use them in command detonated mode only. Transparency is necessary on Claymore mines, too. States Parties should take the technical steps and modifications necessary to ensure command detonation only, and should report on those measures.

Yet, very few of the governments that have submitted Article 7 reports have given any details on Claymore mines or on modification efforts to make these mines compliant under the treaty. Honduras noted it will destroy 2,031 M18 A1 Claymores but retain another 226. Croatia has indicated it will destroy 13,913 MRUD Claymore-type mines, and Bulgaria has said it will destroy MON-50 Claymore-type mines. Landmine Monitors research revealed that many countries that have retained Claymores are currently making them compliant with the command detonation requirement, including Austria, Canada, Norway, Denmark, and Switzerland. The Philippines destroyed its entire stockpile of Claymores.

## Need for Expanded Article 3 Reporting

Article 3 reporting on mines retained for mine clearance training and development should not only include types and quantities and institutions authorized to retain (as currently delineated in the Article 7), but should be expanded to include the specific anticipated purpose and then actual use of any retained mines.

## Need for Reporting on Victim Assistance Programs

The ICBL Working Group on Victim Assistance has noted that victim assistance reporting is conspicuously missing in treaty obligations. In order to give victim assistance proper attention, States Parties must report on their activities in this regard. The Working Group is preparing suggested reporting guidelines and a proposed reporting format. States Parties should address this matter urgently.

DUE DATES FOR ARTICLE 7 Reports	
27 January 2000	Portugal Uganda
27 February 2000	Costa Rica Dominica Guatemala

	Niger
<b>29 March 2000</b>	Brazil Ecuador Italy Malaysia Netherlands St. Lucia Venezuela
<b>29 April 2000</b>	Antigua and Barbuda Chad Iceland
<b>29 May 2000</b>	Luxembourg
<b>28 June 2000</b>	Cambodia Tunisia
<b>27 August 2000</b>	Argentina Madagascar
<b>27 September 2000</b>	Liechtenstein Tajikistan Czech Republic
<b>December 2000</b>	Liberia

## Article 7 -- Transparency Measures

1. 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:
  - o a. The national implementation measures referred to in Article 9;
  - o b. The total of all stockpiled anti-personnel mines owned or possessed by it, or under its jurisdiction or control, to include a breakdown of the type, quantity and, if possible, lot numbers of each type of anti-personnel mine stockpiled;
  - o c. To the extent possible, the location of all mined areas that contain, or are suspected to contain, anti-personnel mines under its jurisdiction or control, to include as much detail as possible regarding the type and quantity of each type of anti-personnel mines in each mined area and when they were emplaced;
  - o d. The types, quantities and, if possible, lot numbers of all anti-personnel mines retained or transferred for the development of and training in mine detection, mine clearance or mine destruction techniques, or transferred for the purpose of destruction, as well as the institutions authorized by a State Party to retain or transfer anti-personnel mines, in accordance with Article 3;
  - o e. The status of programs for the conversion or de-commissioning of anti-personnel mine production facilities;
  - o f. The status of programs for the destruction of anti-personnel mines in accordance with Articles 4 and 5, including details of the methods which will be used in destruction, the location of all destruction sites and the applicable safety and environmental standards to be observed;
  - o g. The types and quantities of all anti-personnel mines destroyed after the entry into force of this Convention for that State Party, to include a breakdown of the quantity of each type of anti-personnel mine destroyed, in accordance with Articles 4 and 5, respectively, along with, if possible, the lot numbers of each type of anti-personnel mine in the case of destruction in accordance with Article 4;
  - o h. The technical characteristics of each type of anti-personnel mine produced, to the extent known, and those currently owned or possessed by a State Party, giving, where reasonably possible, such categories of information as may facilitate identification and clearance of anti-personnel mines; at a minimum, this information shall include the dimensions, fusing, explosive content, metallic content, colour photographs and

other information which may facilitate mine clearance; and

- i. The measures taken to provide an immediate and effective warning to the population in relation to all areas identified under paragraph 2 of Article 5.
2. The information provided in accordance with this Article shall be updated by the States Parties annually, covering the last calendar year, and reported to the Secretary-General of the United Nations not later than 30 April of each year.
  3. The Secretary-General of the United Nations shall transmit all such reports received to the States Parties.