

## CHAPTER 4

### THE ROLE OF *LANDMINE MONITOR* IN PROMOTING AND MONITORING COMPLIANCE WITH THE 1997 ANTI-PERSONNEL MINE BAN CONVENTION

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#### SUMMARY

The 1997 Mine Ban Convention represents an unprecedented combination of disarmament prohibition and humanitarian goals. States parties' compliance with the Convention is in part due to the advocacy efforts of the International Campaign to Ban Landmines (ICBL) and its verification tool, *Landmine Monitor*. The impact can also be seen on non-states parties, who appear in many cases to be changing their behaviour to conform to the prohibitions set forth by the Convention. This paper examines the effectiveness of the ICBL's *Landmine Monitor* project in monitoring implementation of the Convention as an example of disarmament as humanitarian action.

#### INTRODUCTION

This paper examines the role of the widely acclaimed *Landmine Monitor* in promoting implementation of the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (referred to as the Mine Ban Convention).<sup>1</sup> The *Landmine Monitor* initiative is the world's first civil society-based verification regime to monitor implementation of and compliance with a multilateral arms control or humanitarian law treaty. Because *Landmine Monitor* is a project of the International Campaign to Ban Landmines (ICBL), the two are intimately bound: this paper necessarily contains analysis of the activities of both.<sup>2</sup>

This paper also considers how the ICBL and *Landmine Monitor* have helped to influence the actions and positions of 147 states parties tasked with implementing the Convention.<sup>3</sup> In addition, the extent to which the ICBL and *Landmine Monitor* have helped change the behaviour of the seven remaining signatories and the 40 governments outside the Mine Ban Convention is reviewed.

### **MINE BAN CONVENTION IMPLEMENTATION OBLIGATIONS**

The 1997 Mine Ban Convention represents the international community's response to a two-fold challenge issued in the early 1990s by the ICBL: to ban the use, production, stockpiling and transfer of anti-personnel mines and to provide resources for humanitarian mine clearance and mine victims.<sup>4</sup> The ICBL is a broad-based coalition of more than 1,400 non-governmental organizations (NGOs), active in more than 90 countries, that works nationally and internationally to eradicate anti-personnel mines.<sup>5</sup>

Following the "Ottawa Process" (an eighteen-month period that saw governments, international agencies and the ICBL form an extraordinary alliance to build widespread political support and negotiate a treaty prohibiting anti-personnel mines), the Mine Ban Convention opened for signature in December 1997. That same month, the ICBL and its then-coordinator, Jody Williams, received the 1997 Nobel Peace Prize in recognition of their critical role in securing the Convention.

The Mine Ban Convention represents an unprecedented combination of disarmament prohibition and humanitarian goals. To understand the degree to which the ICBL and *Landmine Monitor* have influenced the Convention's implementation, it is first necessary to outline what is required of states parties to the Convention.

The most far-reaching implementation obligations involve the Convention's core prohibitions and principal humanitarian requirements. States parties must stop using, producing and transferring anti-personnel mines (Article 1); declare and destroy stockpiled anti-personnel mines within four years of entry into force of the Convention for that state party (Article 4); and remove and destroy emplaced mines within a 10-year period through mine clearance (Article 5).

There are also legislative and reporting obligations. Article 9 requires that states parties introduce domestic legislation to enforce the Convention's prohibitions. Under Article 7, states parties are required to provide a transparency measures report detailing their implementation of the agreement, initially no later than six months after entry into force of the agreement for that country and, thereafter, by 30 April of each year.

There are politically binding actions to help states parties implement the Convention's core prohibitions and humanitarian goals. States parties lacking the necessary resources to fulfil their implementation obligations have the right under Article 6 to "seek and receive assistance" from other states parties. This article also calls on all states parties "in a position to do so" to provide assistance for the care, rehabilitation and socio-economic reintegration of mine victims and mine awareness programmes, mine clearance and related activities, and the destruction of stockpiled anti-personnel mines. When donor governments negotiating the Convention balked at an open-ended obligation to provide assistance, this commitment was tempered by the inclusion of qualifiers, such as "where feasible" and "to the extent possible". Such assistance can involve the provision of financial, technical and other resources. In reality, donor nations often require political engagement and leadership, as well as domestic prioritization of the issue, in order to allocate and provide these resources.

Finally, there is an unwritten expectation that states parties will use all opportunities possible—including diplomatic ones—to participate in and promote the Convention. This includes promoting the Convention's full and complete universalization and working to ensure adherence by all states parties to the treaty's terms. States parties are also expected to ensure that the norm being established by the anti-personnel mine ban is respected by all.

## **MECHANISMS TO MONITOR IMPLEMENTATION**

Article 11 of the Convention calls for states parties to "meet regularly" to consider "any matter with regard to the application or implementation" of the Convention. Additionally, Article 12 states that conferences should be held every five years to review the Convention's "operation and status".

Annual meetings of states parties alternate between Geneva and mine-affected countries in an effort to remind diplomats and others involved in the process of the field origins of the Convention as well as the continued humanitarian problems caused by mines and unexploded ordnance (UXO).<sup>6</sup> The first five-yearly Review Conference of the Convention was held in 2004 in Kenya. At this “Nairobi Summit on a Mine-Free World” governments recommitted their political and financial pledges to eradicate anti-personnel mines, issuing the 70-point Nairobi Action Plan to guide implementation of the Convention in the five years leading to the next review conference.

At each meeting, states parties issue a declaration of political commitment to ensuring the Convention is universalized and implemented. The annual meetings report on the collective decisions taken by member states of the Mine Ban Convention and plan actions to implement these activities. The meetings are also important to help maintain the international community’s focus on the anti-personnel mine issue.

In what is an unprecedented effort within an arms control setting to create a culture of activism and commitment, states parties have been prompted to use their annual meetings to create an array of structures and processes to promote the implementation of the Convention. At their first meeting in 1999, for example, states parties established an intersessional work programme consisting of five standing committees.<sup>7</sup> These committees meet regularly to discuss concerns and progress on the following: the general status and operation of the Convention; stockpile destruction; mine clearance, mine risk education and mine action technologies; and victim assistance and socio-economic reintegration.<sup>8</sup>

Although it is not without friction, by arms control standards the intersessional process is uniquely informal and is therefore able to encourage continuity, transparency and inclusiveness in the cooperative spirit of the Ottawa Process. Importantly, these intersessional meetings provide a central forum for partnership and cooperation between states parties, other governments, the ICBL, the International Committee of the Red Cross (ICRC), United Nations (UN) agencies and other international organizations on common implementation and universalization concerns.

In 2000, the states parties established a coordinating committee to address practical coordination matters relating to the intersessional work

programme and preparations for the annual meeting. The coordinating committee comprises the intersessional standing committee co-chairs and co-rapporteurs, as well as the presidents and secretaries of annual meetings. A sponsorship programme was also created to enable full participation by mine-affected countries and others with limited resources. At their third annual meeting, states parties agreed to establish an Implementation Support Unit (ISU) to ensure continuity and sustainability of the intersessional work. Both the sponsorship programme and the ISU are supported by voluntary financial contributions from governments.

At the urging of the ICBL, states parties have also established a number of informal contact groups to address the universalization of the Convention, transparency reporting and domestic legislation, as well as the mobilization of resources. Meanwhile, the ICBL has also sought to broaden membership of the Convention and to monitor its implementation, namely through *Landmine Monitor*, to which we now turn.

## **THE ICBL AND ITS *LANDMINE MONITOR* INITIATIVE**

### **BACKGROUND**

After the Mine Ban Convention was adopted, the ICBL reaffirmed its commitment to its initial call to ban anti-personnel mines and refocused its efforts to include support for the Convention's universalization and implementation.<sup>9</sup> Discussions among ICBL leaders and a few key governments led to the creation of *Landmine Monitor* in June 1998 to track and report on states parties' compliance and the humanitarian response more generally to the landmine crisis. A "core group" of five ICBL members assumed responsibility for coordination of the initiative: the rehabilitation NGO Handicap International, the mine clearance NGO Norwegian People's Aid, the research and advocacy NGO Human Rights Watch, and the Canadian and Kenyan national mine-ban campaigns. Human Rights Watch was the lead agency between 1999 and 2004, at which point it passed this responsibility to Mines Action Canada.

Governments acknowledged the critical role played by the ICBL and the ICRC in establishing the Convention by naming both groups in the preamble to the Convention, a unique citation in an international treaty. However, because *Landmine Monitor* debuted later (at the First Meeting of

States Parties in 1999), there is no mention of *Landmine Monitor* in the Convention or in official documents pertaining to the structure or processes established by states parties.<sup>10</sup> *Landmine Monitor's* research, however, finds its way into official reports, declarations and plans of action, as well as statements and reporting by individual states parties, and has become an accepted, if tacit, part of the official Mine Ban Convention landscape. States parties often testify to *Landmine Monitor's* essential role in monitoring the Convention and the humanitarian response to the global mines problem. Australia, for example, has congratulated the ICBL for making *Landmine Monitor* "the most comprehensive and reliable source of information on the global landmines situation". Canada has urged other governments to fund the initiative, describing it as "an annual citizen's companion to the Convention".<sup>11</sup> Even non-states parties have welcomed the report. Myanmar, for example, has described it as "impressive both in its scope and coverage", while Georgia has cited it as "a crucial component in achieving such a noble goal as [a] mine-free world".<sup>12</sup>

Support for *Landmine Monitor* is reflected in its funding, which has been consistently sustained since 1999 with an annual report budget of over US\$ 1 million, made possible by the financial assistance of governments and other agencies. Sixteen countries contributed to *Landmine Monitor Report 2004*, double the number of contributors to the first report issued in 1999.<sup>13</sup> States parties have also shown their support for *Landmine Monitor* in other ways, for example, by hosting the initiative's annual global meeting.<sup>14</sup>

#### **SCOPE AND ORGANIZATION OF *LANDMINE MONITOR***

The information that *Landmine Monitor* collates and publishes in its annual reports is provided by a global research network. For instance, a total of 110 researchers from 93 countries contributed to *Landmine Monitor's* 2004 annual report and associated publications that year, the largest network of researchers since its inception. *Landmine Monitor* reported on the use, production, transfer, stockpiling, mine action funding, mine clearance, mine risk education, landmine casualties and survivor assistance related to anti-personnel mines in every country in the world from 1999 to 2005—a major achievement.

The "in-country" composition of the network is, however, a double-edged sword. Local researchers usually understand better the various

dimensions of the landmine problem in their context and most commit to participating in the Landmine Monitor initiative over multiple reports. This allows them to establish their own networks of lasting information contacts. However, these researchers come from a diverse array of educational backgrounds and the majority of them do not speak English as a first language.<sup>15</sup> This is felt acutely by the report's editors who, in a period of less than three months, must standardize and summarize information to provide a report detailing all aspects of the landmine issue in every country of the world.

*Landmine Monitor* is not intended to send researchers into harm's way, and deliberately does not include reporting from war zones. Instead, it documents anti-personnel mine use, for example, through extensive collection, analysis and distribution of publicly available information such as media reports. Researchers also carry out interviews with a wide range of sources including:

- international and national NGOs;
- UN officials;
- diplomats;
- international and national media;
- refugees and internally displaced persons;
- mine survivors, their families and witnesses of mine incidents;
- rebels and military requesting anonymity; and
- local residents.

Parliamentary hearings and other independent investigations are also a source of information.

Using basic software, researchers have created databases to track mine casualties that also prove useful for analysing evidence of mine use.

In the course of research for each annual report, *Landmine Monitor* gives those governments about which it has uncovered serious violations of the anti-personnel mine ban the opportunity to respond and comment on the findings ahead of its print deadline. *Landmine Monitor* usually writes to the concerned government requesting clarification on the matter in order to incorporate their reply into the country update. If received after the print deadline, these responses are posted in their entirety on *Landmine Monitor's* web site, under a section entitled "Comments Received".

Many of the researchers are women.<sup>16</sup> The researchers come primarily from the ICBL's campaign coalition, and several are journalists. Most researchers, therefore, wear two "hats": as campaigners representing ICBL in their country and as researchers reporting for *Landmine Monitor*. Nevertheless, the ICBL and *Landmine Monitor* are distinct in some aspects. They have separate decision-making structures. While *Landmine Monitor* primarily provides factual information, any analysis or recommendation is typically presented in public by the ICBL, which uses the annual report as an advocacy tool. While this distinction is fairly clear to those working at the ICBL and on *Landmine Monitor*, it can at times appear confusing to those on the outside.

#### **PROMOTING AND MONITORING STATES PARTIES' COMPLIANCE: LANDMINE MONITOR'S ROLE**

This review of *Landmine Monitor's* role is ordered around the principal articles of the Convention, starting with transparency reporting (Article 7) and domestic implementation measures (Article 9). Because *Landmine Monitor* was "established in recognition of the need for independent reporting and evaluation", and to complement the transparency reporting by states parties, the Article 7 reports form an essential baseline of information for *Landmine Monitor's* reporting on the implementation of other key articles. The ICBL urges all states parties, even those that are believed to have never used, produced, or stockpiled anti-personnel mines, to submit transparency reports. This is in order to ascertain conclusively that these states parties do not stockpile the weapon, are not mine-affected, and have measures in place to ensure the Convention's application.

This overview of *Landmine Monitor's* role in reporting and implementation measures is necessary in order to review the initiative's effectiveness in encouraging implementation of the Convention's core prohibitions (Articles 1, 4), the Convention's humanitarian requirements (Articles 5, 6) and issues related to its interpretation (Articles 1–3). The impact of the ICBL and *Landmine Monitor* in changing the behaviour of non-states parties and armed non-state actors is also significant, but will be discussed separately.

## URGING TIMELY AND DETAILED REPORTING AND IMPLEMENTATION MEASURES

The ICBL and *Landmine Monitor* have helped to ensure the timely submission of Article 7 reports and have played a role in improving the quality and quantity of information provided by states parties.

The number of states parties submitting their initial reports increased dramatically from 63% in 2001 to an impressive 96% by October 2005.<sup>17</sup> The ICBL has regularly reminded states parties of their reporting deadlines, with *Landmine Monitor* issuing fact sheets listing those with impending deadlines and those behind schedule. Country by country, *Landmine Monitor* researchers have approached all relevant ministries involved in the preparation of the Article 7 report to request its submission. On a number of occasions this pressure has helped government officials obtain the necessary information—for example, on stockpiled mines—from their own reluctant ministries of defence and armed forces to enable submission of the national report.

Other initiatives have assisted in improving the reporting compliance rate, such as the “Article 7 Contact Group” established in 2000 and led by Belgium. Moreover, the production of educational tools, such as the *Guide to Article 7 Reporting* prepared by the Verification Research, Training and Information Centre (VERTIC), in cooperation with ICBL, have been useful.

States parties’ reporting appears to have become more detailed since 1999. For example, reporting on national measures was initially incomplete, or reports cited ratification and mine action legislation rather than measures to enforce and penalize the ban provisions domestically. The ICBL started publishing its *Landmine Monitor* report prior to the submission of initial Article 7 reports, and thus set the standard for comprehensive and detailed reporting. States parties often “borrow” language from their *Landmine Monitor* country updates to include in their Article 7 reports. Indeed, ICBL campaigners and *Landmine Monitor* researchers sometimes review and comment on draft Article 7 reports provided by their governments prior to submission. They explain the requirements of each form of the report to officials and urge states parties to report in as much detail as possible.

*Landmine Monitor's* examination and analysis of Article 7 reports has helped to show gaps and discrepancies in the numbers of mines reported destroyed. It attempts to secure clarification before going to print with the annual report. Initially, only the ICBL and *Landmine Monitor* requested clarification from states parties on information contained in the transparency reports. At the May 2000 Intersessional Standing Committee of Experts on Stockpile Destruction meeting, the ICBL raised concerns about Ecuador's intention to retain 170,344 anti-personnel mines for "training purposes". Alerted by the ICBL, states parties made a number of requests for clarification to Ecuador. A representative from the delegation of Ecuador subsequently told the ICBL that the number had been an error and would be corrected. In its second Article 7 report, submitted in August 2000, Ecuador stated that its stockpile totalled 170,344 anti-personnel mines (154,344 of which were transferred for destruction between March and July 2000), and that it would retain 16,000 mines for training, a number it subsequently reduced to 3,970 mines.<sup>18</sup> This was a clear example of *Landmine Monitor* influencing state behaviour.

*Landmine Monitor's* analysis of Article 7 reports, together with the ICBL's inquiries, reminders and offers of assistance, has helped generate momentum toward the adoption of national implementation measures, as required by Article 9 of the Convention. While it has improved, compliance with this aspect of the Convention remains disappointingly low. According to *Landmine Monitor Report 2005*, just 44 of the Convention's 147 states parties had enacted national legislation. Nevertheless, this compares to just 14 states parties identified in *Landmine Monitor Report 1999*.

*Landmine Monitor* analyses and queries national implementation measures that states parties list in their Article 7 reports. The ICBL has scrutinized and commented on draft legislation, attended—and sometimes organized—public hearings on legislation and, in some cases, even helped to draft national law. Such tasks are often referred to the ICRC's legal division, which has a better capacity for legal analysis and assistance. The ICBL has pressed states parties to do more to encourage the adoption of national measures. The ICBL also participates in the Belgian-led Contact Group on National Legislation established in 2000. Since 2001, the ICBL has distributed an information kit on the development of national legislation, which was prepared by the ICRC and translated into several languages.

## **ENFORCING THE PROHIBITIONS ON MINE PRODUCTION, TRANSFER AND USE**

While *Landmine Monitor* documents compliance by states parties with the core prohibitions of the Convention, the ICBL uses its moral and political clout to encourage and enforce these prohibitions.

*Landmine Monitor's* research on the production of anti-personnel mines is largely limited to governments, since government factories and state-owned entities are responsible for most of the mine production. For production and transfer research, *Landmine Monitor* has taken on the investigative role previously performed solely by Human Rights Watch in documenting the changing behaviour of the 38 states that were once identified as anti-personnel mine producers. According to *Landmine Monitor*, there has been no evidence of anti-personnel mine manufacturing by states parties since 1997, and no real concerns have emerged about the decommissioning or conversion of production facilities.

*Landmine Monitor* has reported in detail on previously unknown production activities carried out by states parties before joining the Mine Ban Convention. It was the first to report that Colombia produced anti-personnel mines until 1996, when the Ministry of Defence instructed the government-run facility to cease these activities. Other states parties have been compelled to "set the record straight" with *Landmine Monitor* by confessing to past production activities. In 2000, Australia told *Landmine Monitor* that it manufactured anti-personnel mines until the early 1980s. Prior to this, Australia was not thought to have been involved in the manufacturing of anti-personnel mines.

*Landmine Monitor* has not documented any acknowledged state-to-state transfers or exports of anti-personnel mines since 1999, and it believes that the trade in anti-personnel mines has dwindled to a very low level of illicit trafficking and unacknowledged trade. However, *Landmine Monitor* has occasionally reported on scandals triggered by investigative researchers and reporters. It described two attempted sales of anti-personnel mines in the United Kingdom in 1999 by a Romanian arms company and by Pakistan Ordnance Factories.

Through careful and professional research, *Landmine Monitor* has confirmed and published cases of landmine use by states parties, while the

ICBL has engaged in ongoing advocacy to prevent and urge other states parties to act on reports on non-compliance with the prohibitions. In every instance, *Landmine Monitor* writes to the users it may name in the report to seek their comment or clarification. As previously mentioned, if the response is received too late to be incorporated into the country report it is posted in its entirety on *Landmine Monitor's* web site.

Between 1999 and 2005, *Landmine Monitor* found no definitive evidence of use of anti-personnel mines by any state party. But it reported serious evidence of mine use by Uganda in the Democratic Republic of the Congo (DRC) and gathered compelling evidence that a number of signatories used anti-personnel mines before they ratified the Mine Ban Convention.

In 2001, *Landmine Monitor* reported that Uganda used anti-personnel mines in the DRC in 2000 and 2001, particularly during the June 2000 battle for Kisangani. Uganda denied these reports. But, in September 2001 it agreed to the ICBL's suggestion that a full investigation be carried out. Subsequently, at a February 2002 meeting of the Intersessional Standing Committee on the General Status and Operation of the Convention, the Ugandan government informed states parties that a joint Uganda–Rwanda commission looking into the conduct of the fighting in the DRC would also investigate the allegations of landmine use. Then, all went quiet. Consequently, in September 2003, the ICBL expressed disappointment that Uganda had made no further public statements regarding the allegations or the investigation. In response, Uganda said the investigation had been completed, but the report would not be made public. The ICBL has continued to raise the issue of Uganda's behaviour, but it is unclear what, if anything, other states parties have done to follow-up on the use allegations reported by *Landmine Monitor*. Anti-personnel mine use would appear to be one in a long list of violations of international law that Uganda engaged in during its time in the DRC.<sup>19</sup>

In another case, Angolan government officials admitted to the continued use of anti-personnel mines by their military forces on many occasions prior to the country's April 2002 peace agreements, including in the period following their signing of the Mine Ban Convention in 1997. The ICBL told Angola that, as signatory at the time of use, Angola's use of mines could be judged a breach of its international obligations, citing Article 18 of the Vienna Convention on the Law of Treaties that, "A state is obliged to

refrain from acts which would defeat the object and purpose of a treaty when...it has signed the treaty...". The use of anti-personnel mines by a signatory clearly defeats the object and purpose of a treaty banning that weapon.

The ICBL used a variety of methods to protest use by Angola and others by publicizing their actions widely in the media and other venues. The ICBL also used the meetings of states parties and other prominent forums to publicly condemn anti-personnel mine users and call on states parties to take action in order to persuade the user to halt its actions. The so-called "naming and shaming" strategy to stigmatize anti-personnel mine use is one of the ICBL's most powerful tools to promote compliance by states parties with the Convention's ban prohibitions. The case of Angola, however, shows that such a strategy can have its limits.

Other signatories of the Convention have responded in various ways to allegations of anti-personnel mine use beyond simply denying the charge. Sudan has provided detailed information of its attempts to educate its armed forces on compliance with the anti-personnel mine ban. On several occasions, Burundi has invited the international community for a fact-finding or investigation/verification mission.

*Landmine Monitor* looks closely for instances of mine use in states parties that previously used anti-personnel mines, for example in Afghanistan, Angola, Bosnia and Herzegovina, Cambodia, Mozambique and Nicaragua.

While research limitations may prevent *Landmine Monitor* from accessing every piece of available information on mine laying, it is difficult at present for mine use to go completely unnoticed. Information technology and increased presence of NGOs and media in conflict zones have made it much harder for abusive regimes to hide human rights violations, including new anti-personnel mine use. For example, *Landmine Monitor* has not conducted any investigative missions in Sudan's Darfur region because the large range of available information sources has not, at the time of writing, revealed evidence or allegations of anti-personnel mine use.

#### VERIFYING STOCKPILE DESTRUCTION (ARTICLE 4)

The ICBL has encouraged states parties to declare and destroy their stockpiled mines as soon as possible. In line with this, *Landmine Monitor* has played an important role in reviewing and verifying stockpile data submitted in Article 7 reports. Its fact sheets and presentations on destruction efforts have also enabled states parties to identify problems and monitor progress.

The ICBL has challenged states parties to declare and destroy their stockpiled mines as soon as possible, in advance of the four-year deadline. In some cases, the ICBL has promoted more immediate deadlines, such as the annual meetings of states parties.<sup>20</sup> By the end of 2004, all states parties with four-year destruction deadlines had met their obligations, with the exceptions of Djibouti (which was two days late) and Turkmenistan.

After the ICBL and states parties criticized a decision taken by Turkmenistan in 2003 to retain 69,200 anti-personnel mines for training purposes (as technically permitted by Article 3), Turkmenistan in 2004 said it would destroy all of these mines by the end of the year. It invited ICBL representatives to witness destruction, and Turkmen military engineers subsequently made a presentation on the destruction of their anti-personnel mines to the Intersessional Standing Committee on Stockpile Destruction.

The ICBL has pressed for greater transparency in stockpile destruction, and civil society, mine survivors and media are routinely invited to attend stockpile destruction events—while sometimes an official invitation needs to be requested, only a handful of campaigners and researchers have been denied participation. States parties have come to accept the need for transparency and appreciate the positive attention and media coverage that accompanies such events. The ICBL has also worked with local authorities to carry out events to educate and secure local support for stockpile destruction, for example, in Japan and Thailand.

*Landmine Monitor* has continuously and regularly updated and presented the global figures in its annual report and fact sheets, and in regular presentations to the standing committee and other meetings. In addition to detailing best practices in stockpile destruction, *Landmine Monitor* also publishes other information such as costs, environmental

considerations and destruction methods. It identifies those states parties that might have trouble meeting destruction deadlines and tries to anticipate problems that they may encounter.

In 2002, *Landmine Monitor* uncovered a case that led to a state party publicly acknowledging stockpiled mines that it previously denied existed. In February 2001, the Nigerian army said that most of its anti-personnel mines had been used up in the civil war and the remaining stocks destroyed shortly thereafter. *Landmine Monitor* identified anti-personnel mines in a May 2002 presentation made to states parties on a fire at an ammunition depot in Lagos on 27 January 2002. A large number of explosives were activated in the blaze, resulting in massive destruction of property and loss of lives. *Landmine Monitor* sought clarification from Nigeria on several photographs that displayed anti-personnel mines that had been recovered from the wreckage and on media reports of an injury caused by an anti-personnel mine the day after the incident. Subsequently, in its initial 2004 Article 7 report, Nigeria declared that it had a stockpile of 3,364 Dimbat mines and that it would retain the entire stockpile for training and development purposes.

### **CLARIFYING INTERPRETATION OF KEY ARTICLES (ARTICLES 1, 2 AND 3)**

Since the Mine Ban Convention entered into force, the ICBL has consistently raised questions about how states parties implement and interpret certain aspects of key articles. Moreover, *Landmine Monitor* has become the principal collector and publisher of the policy and practice of states parties with respect to these articles.

The ICBL has urged states parties to come to a common understanding about how they interpret certain of the Convention's provisions. For example, there is the issue of what acts are and are not permitted under Article 1(c), under which each state party undertakes to "never under any circumstances... assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party...". The ICBL has called on states parties to reach a common interpretation of the term "assist", especially with respect to the use of anti-personnel mines by non-signatories in joint operations with states parties, and the stockpiling and transit of foreign anti-personnel mines. Other outstanding issues relate to anti-vehicle mines with sensitive fuses and anti-handling devices (which act, in effect, like anti-

personnel mines) and the permissible number of mines retained for training and development purposes.

The ICBL has had limited success in convincing states parties to reach an understanding of how Article 1 applies to joint military operations. But a better view of the meaning of the word “assist” has begun to emerge as many states parties agree with the ICBL on the need to address this issue and share their views on policy and practice. *Landmine Monitor* has helped document states parties’ actions, identifying 36 states parties that have declared they will not participate in planning and implementation activities related to the use of anti-personnel mines in joint operations. It remains the only publication to collect and publish these declarations in detail.

The ICBL has urged states parties to clarify their understanding of what constitutes “active” or “direct” assistance as some states parties have declared that only “active” or “direct” participation in joint operations in which anti-personnel mines are used is prohibited. Such issues are not abstract: they are based on very real situations. For example, *Landmine Monitor* documented how Zimbabwe and other governments could be in violation of the Convention by virtue of their participation in a joint military operation with DRC forces that have used anti-personnel mines. The ICBL repeatedly raised concerns about Zimbabwe’s domestic ban legislation because the law includes a clause that offers possible legal protection for a person engaged in military activities with a non-state party in which anti-personnel mines are used, transferred or produced, if that person’s conduct “did not amount to active participation” in any banned activities. This issue has not been resolved, and the ICBL continues to seek a definition from Zimbabwe as to what constitutes “active participation”.

In another case, *Landmine Monitor* sought clarification from Australia about its role alongside the United States (a non-state party to the Convention) in Afghanistan and Iraq. The ICBL raised its concern that a national declaration by Australia, as well as part of its domestic legislation, seem to interpret the Convention as allowing “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 anti-personnel mines by the non-state party. Again, these measures remain unchanged, but by documenting and raising concerns, the ICBL and *Landmine Monitor* are helping to create a better understanding

among states parties about matters central to the interpretation of the Convention.

The ICBL and ICRC have had less success in getting states parties to address concerns raised in the Mine Ban Convention's definitions under Article 2. Since the 1997 negotiations, the ICBL has argued that if Article 2 is to be interpreted consistently, any mine equipped with a fuse or anti-handling device that causes the mine to explode from an unintentional or innocent act of a person should be considered an anti-personnel mine and is therefore prohibited. The ICBL has warned that the way states parties agree—or disagree—on which practices are acceptable may have a significant impact on how the Mine Ban Convention is implemented and universalized. The issue remains unresolved, and the ICBL fears that a situation is developing whereby some states parties have chosen to keep a stockpile of mines for future use or export, while other states parties have determined that these anti-personnel mines are to be destroyed.

While most states parties have been reluctant to report on the measures they have taken to ensure that mines with sensitive fuses and anti-handling devices are compliant with the Mine Ban Convention, *Landmine Monitor* has nonetheless continued to obtain and publish declarations and clarifications made by states parties on this issue. *Landmine Monitor* has also urged states parties to provide more information on certain types of mines that are designed to be capable of being both command-detonated and victim-activated.

Most notably, the ICBL has managed to help change the way in which states parties interpret Article 3. The ICBL has repeatedly reminded states parties that during the 1997 Oslo negotiations and during standing committee discussions from 1999 to 2004, most states parties agreed that the number of mines retained should be in the hundreds or thousands or less, but not in the tens of thousands. *Landmine Monitor* has documented how 74 of the 147 states parties retain over 248,000 anti-personnel mines for the research and training purposes permitted by Article 3.

Through presentations, statements, letters and other actions, the ICBL has urged states parties to lower the number of mines retained for training. An increasing number of states parties have responded to this negative publicity by reducing the number of mines retained from the high levels they originally proposed.<sup>21</sup> Several have decided to completely destroy

their stocks originally retained for training. Having successfully encouraged the two worst abusers of this provision (Ecuador and Turkmenistan) to change their policies, the ICBL is now focused on five states parties that account for nearly one-third of all retained mines: Brazil (with 16,125 mines), Turkey (16,000), Algeria (15,030), Bangladesh (14,999) and Sweden (14,798).

The ICBL has also urged states parties to declare both their intended and actual uses for retained anti-personnel mines in their Article 7 reports, and has worked successfully to insert this requirement into the Nairobi Action Plan.<sup>22</sup> *Landmine Monitor* has documented an increasing number of states parties that have responded positively by providing this detailed information.

The ICBL's efforts, based on *Landmine Monitor* research, indicate that states parties to the Convention are still reluctant to engage extensively on matters of interpretation and implementation relating to Articles 1, 2, and 3. The ICBL continues to urge states parties to make their views known on these issues, for instance to *Landmine Monitor*, which compiles and publishes statements and views declared by states parties.

#### **PROMOTING MINE CLEARANCE**

Few ICBL campaigners or *Landmine Monitor* researchers are mine action professionals. Yet, they advocate for, and report on, the humanitarian aspects of the Mine Ban Convention with as much vigour as they do for the prohibitions—even more so if their country is mine-affected. Much more is now known about the extent of the global landmine problem and efforts to remedy it, due in part to *Landmine Monitor's* provision of unique, global statistics on the mine problem through its annual report, fact sheets, statements and presentations. *Landmine Monitor's* research has charted and contributed to the greater sophistication seen in mine action today to show how mine clearance has evolved from a strictly military activity to a more sophisticated and systematic humanitarian and developmental initiative.

The ICBL is starting to place more emphasis on the requirements of Article 5, that states parties must destroy or ensure the destruction of all anti-personnel mines in known or suspected mined areas under their jurisdiction or control within 10 years of entry into force. Crucially,

*Landmine Monitor* publishes information on states parties that do not appear to be on course to meet their respective 10-year clearance deadlines. It has also documented evidence on states parties that have not taken steps toward even establishing a plan to meet their clearance deadline, as well as states parties with ongoing mine-use and no humanitarian mine clearance in place.

*Landmine Monitor* also reports on states parties that have completed mine clearance and subsequently declared themselves mine-free. It shows how some states parties have set clearance goals that stretch past their 2009 treaty-mandated deadline, while others have expressed doubts they will be able to meet the goal. *Landmine Monitor* has also documented how some states parties describe their primary goal to become “impact-free” or “mine-safe”, when the goal of the Convention is to achieve a mine-free world.<sup>23</sup>

#### **DOCUMENTING SURVIVOR NEEDS AND PROMOTING ASSISTANCE**

The Mine Ban Convention has proven a useful vehicle for the ICBL to raise awareness about the needs and rights of mine survivors and, by default, people with disabilities. It has also enabled survivors themselves to advocate for services to address their needs. In support of this, *Landmine Monitor* has collected and provided detailed information on mine casualties that indicates a global decline in new mine victims since the Convention began to take effect in 1999. It has identified key trends and documented problems, such as the lack of victim assistance funding.

*Landmine Monitor* finds the tracking of financial support for mine action a difficult task, despite greater transparency and better reporting mechanisms by states. What donors report on varies, in its detail and by time period. Nevertheless, *Landmine Monitor* has been able to provide an informative picture of the global funding situation that enables the ICBL and others to continue to lobby for more resources for mine action. In-kind support has proven even harder to document, but *Landmine Monitor* has documented many examples of technical, material and other forms of in-kind commitments to mine action, victim assistance and stockpile destruction. *Landmine Monitor's* reporting provides a clear picture of needs, gaps and available resources enabling states parties to adopt a longer-term vision for handling the anti-personnel mine issue.

The ICBL has employed a variety of methods to convince states parties to continue their support to mine action programmes beyond publishing detailed data on their donor activities. It participates in the Resource Mobilization Contact Group created in 2002 and led by Norway. At the country level, ICBL campaigners work to raise media and public awareness to pressure their governments to support mine action. They also fund-raise and support the efforts of international NGOs working to address the mine problem on the ground.

*Landmine Monitor* has played an important role in helping to estimate the global number of landmine casualties, which is perhaps one of the most visible and significant measures to determine if the Mine Ban Convention and the norm it is rapidly establishing against the anti-personnel mine are having any measurable impact. *Landmine Monitor* has estimated an annual global casualty rate of between 15,000 and 20,000 new mine victims, a decrease from the estimated 26,000 new casualties annually that were reported in the late 1990s. Exact research findings are difficult, however, as many casualties still go unreported and exact numbers are hard to come by in certain countries. *Landmine Monitor* has filled a gap by providing data that enables donors and others to understand their needs better and to ensure that limited resources are used most effectively.

Research into victim assistance has always proven difficult for *Landmine Monitor* to do. This is because the parameters of the areas to be studied are potentially huge, extending, for example, into the purview of research on survivors of weapons other than anti-personnel landmines, public health issues and disability rights. Nevertheless, *Landmine Monitor* has documented new victim assistance programmes implemented in many mine-affected countries since the Convention took effect in 1999. It also describes significant gaps in areas such as geographic coverage, affordability and quality of available facilities, as well as a lack of resources to implement or maintain programmes. An important policy finding of *Landmine Monitor's* research is that services for the socio-economic reintegration of mine survivors is lacking in most mine-affected communities.

## **IMPACT ON NON-STATES PARTIES**

In addition to efforts to universalize the Mine Ban Convention, *Landmine Monitor* has documented the work of the ICBL and others in

changing the behaviour and practices of governments outside the Convention as well as of non-state actors (NSA) with respect to the elimination of anti-personnel mines.

### **EXPANDING THE BAN**

More than three-quarters of the world's states have joined the Mine Ban Convention and, as an alternative to a total ban, 87 states follow regulations on the use of anti-personnel mines contained in the 1996 Amended Protocol II of the Convention on Conventional Weapons (CCW). There are 26 states that have not joined the Mine Ban Convention or the CCW's rules on anti-personnel mines.

More than three-quarters of the 40 countries remaining outside the Convention are extremely challenging locations for civil society and media to work in freely.<sup>24</sup> Despite these challenges, the ICBL has campaign contacts or *Landmine Monitor* researchers in 22 of these countries. It contributes energetically to initiatives to bring on board the remaining non-states parties. The ICBL has undertaken dozens of missions to convince leadership to support the ban, deploying its "ambassadors" Jody Williams, the 1997 Nobel Peace Laureate, and Cambodian mine survivor Tun Channareth, as well as other representatives in capitals. It has encouraged non-states parties to express their support for a ban on anti-personnel mines by voting in support of the annual pro-mine ban resolution by the UN General Assembly.<sup>25</sup> The UN's vote on the 2005 resolution gained the support of some major hold-outs, such as Azerbaijan and China, largely as a result of the ICBL's advocacy efforts.

*Landmine Monitor's* researchers inquire after accession documents, transparency reports, the status of policy reviews, and other important pieces of information, a process of research that undoubtedly serves to enhance universalization efforts. Year after year it publishes statements by non-states parties indicating their intent to eventually accede. In this way, *Landmine Monitor* provides constant reminders to states of their commitments and promises to ban anti-personnel mines. *Landmine Monitor* has reported on incremental yet encouraging policy developments in non-state parties, and highlights successes and setbacks—making it a useful tool for universalization.

The majority of governments joined the Convention after a combination of sustained and extensive outreach efforts by the ICBL, UN agencies, other groups and states parties. The Canadian-led Universalization Contact Group, established in 1999 and consisting primarily of states parties seeking to broaden membership in the Convention, uses *Landmine Monitor* as its baseline document for tracking various universalization opportunities, efforts and outcomes.

### **CHANGING BEHAVIOUR AMONG NON-ADHERENTS**

*Landmine Monitor* has documented how anti-personnel mines have been used by fewer countries and in lesser numbers than the period when the global anti-personnel mine crisis came into being—from the 1960s to the early 1990s. Some countries run counter to this trend, such as India, Iraq, Myanmar (Burma), Nepal, Pakistan, the Russian Federation and Yugoslavia. The overall decline is not due to the ICBL's activities, but rather to the response by the international community as a whole in stigmatizing anti-personnel mine use and other factors, such as the cessation of hostilities. Since its establishment, *Landmine Monitor* has reported in more detail on the production activities of several of these countries. In 1999, it was the first to publish extensive details on the names and locations of Russian mine manufacturers. *Landmine Monitor* uncovered evidence of anti-personnel mine manufacturing by Nepal that was subsequently acknowledged by the government, resulting in the country being the only new addition to the list of producers between 1999 and 2004.

*Landmine Monitor* is largely responsible for obtaining formal public policies renouncing production by four non-states parties to the Mine Ban Convention (Egypt, Finland, Israel and Poland), by repeatedly asking these governments to make their position formal and public, and in writing. Egypt, for example, claimed for years that it had ceased export of anti-personnel mines in 1984 and ended production in 1988, but it refused to make that position formal and public until the Nairobi Review Conference.<sup>26</sup>

*Landmine Monitor* has also documented how a significant number of non-states parties have enacted or extended export moratoriums in the past five years, including China, India, Israel, Kazakhstan, Pakistan, Poland, Russian Federation, Singapore, South Korea and the United States. In addition, representatives of Cuba and Viet Nam have claimed they do not

export anti-personnel mines, but no formal unilateral prohibition has been put into place. Even though these governments remain outside the Convention, the knowledge that their activities are tracked by *Landmine Monitor* and publicized by the ICBL has undoubtedly influenced their actions.

### **ENGAGING ARMED NON-STATE ACTORS**

Through *Landmine Monitor's* reporting, and several initiatives by ICBL members, much more is becoming known about armed NSAs and anti-personnel mines. According to *Landmine Monitor*, NSA mine use is now believed to be far more widespread than use by government forces. In 2004, NSAs used anti-personnel mines or mine-like Improvised Explosive Devices (IED) in at least 13 countries, including in five Mine Ban Convention states parties.<sup>27</sup> Since it started in 1999, *Landmine Monitor's* researchers have collected more detailed information than any other actor on NSA mine use, especially in Colombia, Myanmar (Burma), Nepal, Pakistan, Philippines, Somalia and the Russian Federation. *Landmine Monitor* has also reported in more detail than ever before on the manufacturing of IED and stockpiling of mines by NSAs.

Documenting NSA activities on anti-personnel mines, while difficult, is probably easier than convincing them to change their behaviour. Nevertheless, an increasing number of NSAs do seem to be embracing the anti-personnel mine ban. The ICBL has urged NSAs to issue unilateral statements and bilateral agreements, as well as to sign Geneva Call's Deed of Commitment to indicate their willingness to observe the landmine ban.<sup>28</sup> Since 2001, Geneva Call has received signatures from 27 armed NSAs, many of them in Somalia.<sup>29</sup>

### **PROMOTING HUMANITARIAN ACTION TO ADDRESS THE PROBLEM**

In 2004 and the first half of 2005, *Landmine Monitor* recorded new landmine and UXO casualties in 56 countries, of which 21 were not party to the Mine Ban Convention. Moreover, *Landmine Monitor* has recorded clearance initiatives conducted or implemented by civilians living in mine-affected communities in non-member states, including Laos, Myanmar (Burma), Pakistan, Sri Lanka and Viet Nam. It has documented the horrific practice of "atrocious demining" in Myanmar (Burma), where government military units have repeatedly forced non-combatant civilians to serve as

porters for the military and to walk in front of patrols to detonate any landmines lying on the road or path. Often, *Landmine Monitor* is the only source to document local mine clearance efforts.

#### **ENCOURAGING TRANSPARENCY**

No government wants to be seen doing nothing on such a visible and pressing humanitarian issue as anti-personnel mines. Consequently, even states not party to the Convention are more transparent on the mines issue than ever before. At the urging of the ICBL, several non-states parties have voluntarily submitted Article 7 transparency reports. Moreover, after realizing that *Landmine Monitor's* researchers were still able to obtain, analyse and publish information contained in their CCW reports and following the precedent set by the Article 7 reporting, states parties to CCW Amended Protocol II have made their previously confidential annual Article 13 national measures reports publicly available, including on the Internet.

Some non-states parties have begun supporting the annual UN General Assembly resolution on the Convention, or participating as observers in Mine Ban Convention meetings.

#### **CONCLUSION**

The ICBL has used *Landmine Monitor* to provide states parties with a better understanding of what the Mine Ban Convention requires of them, and to help in promoting greater action to implement the Convention. But *Landmine Monitor's* impact is felt more widely. The annual report and associated documents have become essential reading for diplomats, practitioners, donors, media and others seeking to gain a better understanding of the Convention's successes and setbacks. And *Landmine Monitor* is a useful tool for governments to exert pressure on other states to comply because of the existence of this independent evidence.

The effectiveness of initiatives like *Landmine Monitor* is sometimes difficult to demonstrate empirically. *Landmine Monitor's* research informs and challenges other actors in the Mine Ban Convention process in complex and dynamic ways. Its findings are taken up, but not necessarily attributed, by others. Sometimes, *Landmine Monitor's* research prompts changes in posture or policy by governments that are not acknowledged in public.

And, of course, many visible challenges remain for the achievement of the Mine Ban Convention's goals—not least being the ongoing challenges of universalizing the 147-strong membership of the treaty and the looming 10-year treaty deadlines for mine-affected states to clear mines and destroy stockpiles.

In the current international environment it is easy to be cynical about the value of civil society initiatives like *Landmine Monitor* and the ICBL to hold states accountable to their obligations. There is also perhaps a tendency to see productive partnerships between governments and NGOs, like the process that culminated in the Mine Ban Convention and efforts to monitor implementation, in terms of their inevitable limitations rather than in terms of any value they might add. Crises and obstacles in multilateral norm-building, such as the failure of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) Review Conference in New York in May 2005, tend to be more newsworthy than the routine business of practical implementation and monitoring of progress toward a mine-free world. Moreover, the achievements of the Mine Ban Convention (and, by association, *Landmine Monitor* and the ICBL) are occasionally belittled by those who argue that it was only possible because anti-personnel mines lack military utility.

Yet there can be no doubt that the negotiation and implementation of the Mine Ban Convention has broken with “business as usual” in multilateral disarmament and arms control. Civil society verification, in the form of *Landmine Monitor's* work, is an important component of this new approach. States parties are keen to comply with this treaty in large part because of the efforts of both the ICBL and *Landmine Monitor*. Even non-states parties are changing their behaviour as the Convention gains strength, becoming aware that the ICBL does not plan to leave them alone—constantly monitoring their actions and encouraging them to adhere to the ban on anti-personnel mines.

In sum, while inevitably constrained by the evidence base and the extent to which information is released or leaked from countries about their anti-personnel mine policies and problems, the impact of *Landmine Monitor* has nevertheless been unprecedented in adding credibility to advocacy in support of a multilateral process. While the focus of this paper has been on *Landmine Monitor's* benefits to the ICBL's advocacy activities, governments and international organizations have also benefited from its

systematic and sustained reporting and analysis in order to enhance their own advocacy, for instance, in the context of treaty universalization. In the process, *Landmine Monitor* has demonstrated to governments prepared to see it that civil society-based verification is no longer just a concept but a practice, and that this could be a model for other campaigns to consider while exploring similar initiatives to monitor issues as diverse as small arms and light weapons, disability rights, biological weapons and tobacco control.<sup>30</sup>

*Landmine Monitor* is an important factor in explaining why the ICBL continues to be accepted as an integral actor in the Mine Ban Convention process. It remains a model for how an active, coordinated and engaged civil society can be integral to the negotiation, implementation and monitoring of an international agreement. ICBL members have forged long-term relationships with military officers, diplomatic representatives, political leaders and government officials tasked with implementing the Convention, demonstrating the importance of continued partnership and cooperation on this issue.

The ICBL and *Landmine Monitor* are not, however, without their weaknesses. Carrying out both advocacy and research has exhausted many of its civil society members, most of whom are low-paid (or not paid at all), resulting in less effective advocacy work and less probing research. This has diminished their ability to work on other issues of concern. Constantly working in partnership with governments and other agencies, while rewarding, can also be difficult to sustain. Mobilizing media and public attention to an issue many assume was “over” in 1997 proves problematic, especially in efforts to lobby governments and others to change their behaviour. In addition to this, each *Landmine Monitor* annual report is several hundred pages in length. Working with such a diverse array of researchers presents problems for editors seeking to meet a fixed print deadline each year.

Nevertheless, the Mine Ban Convention is a clear example of disarmament as humanitarian action, indeed perhaps the clearest historical precedent to date. *Landmine Monitor's* work, primarily in support of the ICBL, has helped to push humanitarian perspectives, which differ from orthodox national security-focused arms control approaches, to the forefront of the minds of multilateral practitioners. In the process, *Landmine Monitor* has benefited practical verification and supplemented and

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strengthened diplomatic work in this context by making humanitarian concerns impossible to ignore.

### Notes

- 1 The full text of the Mine Ban Convention is available in over twenty languages at <[www.icbl.org/treaty/text](http://www.icbl.org/treaty/text)>.
- 2 *Landmine Monitor* annual reports and other documents can be downloaded from <[www.icbl.org/lm](http://www.icbl.org/lm)>.
- 3 The Anti-Personnel Mine Ban Convention has many names and is referred to by the ICBL as the Mine Ban Treaty and by others as the Mine Ban Convention, Ottawa Treaty or Ottawa Convention. There is no legal distinction between convention and treaty.
- 4 Six northern NGOs founded the ICBL in 1992: the mine clearance agencies Handicap International (Belgium and France) and Mines Advisory Group (United Kingdom); victim assistance groups Medico International (Germany) and Vietnam Veterans of America Foundation (United States); and research/advocacy organizations Human Rights Watch and Physicians for Human Rights (both United States). By 2005, the ICBL had grown to comprise a truly global coalition of 1,400 NGOs active in 90 countries.
- 5 For more information see <[www.icbl.org](http://www.icbl.org)>.
- 6 Four mine-affected countries have hosted the Convention's annual Meetings of States Parties: Mozambique (1999), Nicaragua (2001), Thailand (2003) and Croatia (2005).
- 7 The number of standing committees was later reduced to four.
- 8 The intersessional standing committee chair and rapporteur positions have been divided evenly between developing and developed countries. There has also been an effort to ensure gender diversity: of the 16 positions during 2003 and 2004, nine were filled by women (Algeria, Bangladesh, Croatia, Mexico, New Zealand, Nicaragua, Norway, South Africa and Sweden). By contrast, women led only 15 of the country delegations of the 135 governments in the 2004 Review Conference (Canada, Comoros, Cyprus, Egypt, Honduras, Jamaica, Kazakhstan, Mexico, New Zealand, Niger, Peru, Philippines, Romania, Senegal and Uganda). See "List of Participants", reprinted as Appendix 2 in ICBL's *Report on Activities—Nairobi Summit on a Mine-Free*

- World*, compiled by Human Rights Watch on behalf of ICBL, May 2005, pp. 139–59.
- <sup>9</sup> The ICBL Call is published at the front of each annual *Landmine Monitor* report.
- <sup>10</sup> 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, p. 61.
- <sup>11</sup> Statement by Hon. Lloyd Axworthy, Minister of Foreign Affairs of Canada, to the First Meeting of States Parties to the 1997 Mine Ban Treaty, Maputo, Mozambique, 3 May 1999.
- <sup>12</sup> Letter to Mary Wareham, Human Rights Watch, from Ambassador U Tin Winn, Embassy of Myanmar to the United States, 16 July 1999; letter to Mary Wareham, Human Rights Watch, from Giorgi Burduli, First Deputy Foreign Minister of Georgia, 10 July 2001.
- <sup>13</sup> *Landmine Monitor Report 1999* received donations or pledges totalling US\$ 1,138,713 from seven governments (Austria, Belgium, Canada, Ireland, Netherlands, Norway and United Kingdom), as well as from the Open Society Institute. *Landmine Monitor Report 2004* received donations or pledges totalling US\$ 1,955,629 from 11 governments (Australia, Austria, Belgium, Canada, Denmark, France, Germany, Italy, Luxembourg, Netherlands, New Zealand, Norway, Sweden, Switzerland, Turkey and United Kingdom), as well as from the European Commission and the United Nations Children’s Fund.
- <sup>14</sup> *Landmine Monitor’s* first global meeting took place in Ireland in September 1998. Subsequent global meetings have been held in Canada (1998), Norway (1999), Belgium and the Netherlands (2000), France (2002), Italy (2003) and Bosnia and Herzegovina (2004). Only one global meeting has been held in a non-state party, the United States (2001).
- <sup>15</sup> Only 22 (20%) of the 110 researchers for the 2004 report spoke English as their first language.
- <sup>16</sup> A total of 45 of the 110 researchers for the 2004 report were women or teams led by women.
- <sup>17</sup> According to *Landmine Monitor Report 2005*, six states parties were late in submitting their initial reports: Cameroon, Cape Verde, Equatorial Guinea, Gambia, Guyana, and Sao Tome and Principe. In 2004, *Landmine Monitor* reported 12 states parties were late in submitting their initial reports. The 2003 edition listed 15 states parties

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as late; in 2002, the number was 30; in 2001 and 2000, the numbers were 37 and 36 respectively.

- <sup>18</sup> In September 2001, Ecuador announced that it would further reduce the number of mines retained for training from 16,000 to 4,000. By April 2003, it had adjusted that number to 3,970.
- <sup>19</sup> On 19 December 2005, The International Court of Justice found Uganda guilty of notably “occupation of the Ituri region in the DRC, violations of sovereignty, illegal use of force, violations of international human rights laws and looting and plunder” between August 1997 and June 2003. International Court of Justice, Case concerning armed activities on the territory of the Congo (Democratic Republic of Congo v. Uganda), no. 116, 19 December 2005. See <[www.icj-cij.org/icjwww/idocket/ico/icoframe.htm](http://www.icj-cij.org/icjwww/idocket/ico/icoframe.htm)>.
- <sup>20</sup> See for example, ICBL Press Release, “Landmines Campaign Challenges Governments to Complete Stockpile Destruction by September 2001”, Buenos Aires, 6 November 2000.
- <sup>21</sup> Argentina, Australia, Bulgaria, Chile, Croatia, Denmark, Ecuador, Italy, Lithuania, Mauritania, Peru, Portugal, Romania, Slovakia, Slovenia, Spain, Thailand, Turkmenistan, Uganda, United Kingdom, Venezuela and Zambia.
- <sup>22</sup> According to Action #54 of the Nairobi Action Plan, states parties retaining mines should “provide information on the plans requiring the retention of mine... and report on the actual use of retained mines and the results of such use.”
- <sup>23</sup> “Believing it necessary to do their utmost to contribute in an efficient and coordinated manner to face the challenge of removing anti-personnel mines placed throughout the world, and to assure their destruction...” (from the Preamble of the Mine Ban Convention).
- <sup>24</sup> In 2004, political rights and civil liberties were described as “free” in just nine non-states parties (22.5%), according to a recent annual global survey. The majority was classified as “not free” (22 states, or 55%), or only “partly free” (nine states, or 22.5%). See “Table of Independent Countries 2005”, an evaluation by Freedom House of the state of global freedom, in *Freedom in the World 2005: The Annual Survey of Political Rights and Civil Liberties*, Lanham: Rowman & Littlefield Publishers, Inc., July 2005.
- <sup>25</sup> See UN General Assembly First Committee resolution on “Implementation of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction”, document A/C.1/60/L.56 of 12 October 2005. The

text of this resolution, as well as the voting record, is available at <[www.reachingcriticalwill.org](http://www.reachingcriticalwill.org)>. China, India and Pakistan, for example, voted for this resolution.

- <sup>26</sup> *Landmine Monitor* removed Egypt from its list, but has noted with concern that it is still not aware of any official decrees or laws by the government to implement prohibitions on the production or export of anti-personnel mines.
- <sup>27</sup> Burundi, Colombia, Georgia, India, Iraq, Myanmar (Burma), Nepal, Pakistan, Philippines, Russian Federation (including in Chechnya, Dagestan and North Ossetia), Somalia, Turkey and Uganda.
- <sup>28</sup> More information about Geneva Call, as well as its Deed of Commitment, is available at: <[www.genevacall.org](http://www.genevacall.org)>.
- <sup>29</sup> The signatories are in Burundi, India, Iraq, Myanmar (Burma), Philippines, Somalia and Sudan.
- <sup>30</sup> For example, as a self-described “independent transparency mechanism”, the Small Arms Survey has reported annually since 2001 on all aspects of the problem of SALW. See Small Arms Survey, *Small Arms Survey 2001: Profiling the Problem*, Oxford: Oxford University Press, 2001, p. 2 and <[www.smallarmssurvey.org](http://www.smallarmssurvey.org)>. In 2002, the Center for International Rehabilitation (CIR) formed the International Disability Rights Monitor (IDRM), together with Disabled Peoples International and other disability groups, to “document problems, progress, and barriers experienced by people with disabilities” in a report format to assist in the establishment of a UN convention on the rights of people with disabilities. See IDRM, *International Disability Rights Compendium 2003*, US: CIR, June 2003. See <[www.disability.ws](http://www.disability.ws)>. The global civil society BioWeapons Prevention Project aims to strengthen the norms against using disease as a weapon by tracking compliance with agreements that outlaw hostile use of biotechnology. See <[www.bwpp.org](http://www.bwpp.org)>.