

Transparency Measures (Article 7)

Prepared by Human Rights Watch

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

Transparency reports are posted to the following publicly-accessible websites: <http://disarmament.un.org/MineBan.nsf> (1999-2004 reports) and [http://www.unog.ch/80256ee600585943.nsf/\(httpPages\)/8ffeb508d93f62bec12571c0003de7d8?OpenDocument&ExpandSection=1%2C2#_Section1](http://www.unog.ch/80256ee600585943.nsf/(httpPages)/8ffeb508d93f62bec12571c0003de7d8?OpenDocument&ExpandSection=1%2C2#_Section1) (reports since 2005)

States Parties can submit their report to: aplc.article7report@unog.ch

ISSUES AND CONCERNS

Annual Reporting

As of 12 April 2007, eleven States Parties had submitted an annual report for 2006, due by 30 April 2007: Brunei, Eritrea, Jamaica, Liechtenstein, Mexico, Samoa, Suriname, Tajikistan, the United Kingdom, Yemen, and Zambia.

A total of 26 States Parties did not submit an annual report for either 2004 or 2005 (due 30 April 2005 and 2006): Andorra, Antigua & Barbuda, Barbados, Botswana, Central African Republic, Comoros, Dominican Republic, Fiji, Gabon, Ghana, Grenada, Guinea, Kiribati, Liberia, Nauru, Niue, Panama, Papua New Guinea, St. Kitts & Nevis, St. Lucia, St. Vincent & Grenadines, Sierra Leone, Solomon Islands, Timor-Leste, Togo, and Uruguay.

An additional 11 States, or 37 total, did not submit an annual report for 2005 (due 30 April 2006): Bahamas, Cameroon, Republic of Congo, Costa Rica, Djibouti, Dominica, Malawi, Mali, Philippines, San Marino, and Seychelles.

Of these, Republic of Congo, Djibouti, Malawi, and the Philippines are of greatest concern, because they are mine-affected.

Initial Reporting

Since the publication of *Landmine Monitor Report 2006*, three States Parties met their deadline for submitting initial Article 7 reports: Brunei, Ukraine, and Vanuatu. In addition, Guyana finally submitted its initial report, due 31 July 2004, in October 2006.

However, three States Parties *did not* meet their deadlines: Bhutan (31 July 2006), Haiti (28 January 2007), and Cook Islands (28 February 2007). In addition to those three, five other States Parties are late in submitting their initial reports: Equatorial Guinea (due by 28 August 1999), Cape Verde (due by 30 April 2002), Gambia (due by 28 August 2003), São Tomé e Príncipe (due by 28 February 2004), and Ethiopia (due by 28 November 2005). Gambia voluntarily submitted a report as a signatory in 2002, but has not submitted a report as a State Party.

Equatorial Guinea, Cape Verde and Gambia are not only grossly non-compliant in fulfilling the treaty’s transparency obligation, but each has passed its deadline for destroying any stockpiled antipersonnel mines (1 March 2003, 1 November 2005 and 1 March 2007 respectively). None has informed States Parties of compliance with this core obligation. São Tomé e Príncipe’s deadline for stockpile destruction is 1 September 2007. None are believed to have stocks, but all have an obligation to report that information.

A total of two State Parties have pending deadlines: Montenegro (27 September 2007) and Indonesia (28 January 2008).

Voluntary Reporting by Signatories and Non States Parties

In a very encouraging development, several states not party to the Mine Ban Treaty have submitted voluntary Article 7 reports. The most recent was Morocco in September 2006. Poland, a signatory, has submitted voluntary reports each year since 2003, most recently in May 2006. Sri Lanka submitted a voluntary report in June 2005 which was quite detailed in many areas, but did not include information on stockpiled antipersonnel mines. Then non-State Party Latvia submitted voluntary reports in 2003, 2004, and 2005. Cameroon submitted a report in 2001, Gambia in 2002, and Lithuania in 2002, all when they were signatories.

At the First Review Conference in Nairobi in November 2004, China announced its intention of voluntarily submitting a transparency report in the future, but it has made no apparent progress toward doing so since that time. During a visit by the ICBL in May 2005, officials in Azerbaijan indicated their willingness to submit a voluntary report. Armenia and Mongolia have also indicated that they will submit voluntary Article 7 transparency reports.

Expanded Reporting on Retained Mines

States Parties agreed to adopt a new voluntary expanded reporting format for Form D on retained mines at the Sixth Meeting of States Parties in December 2005. Initially proposed by Argentina and Chile, this modified format allows States Parties to report on the intended purposes and actual uses of mines retained under Article 3.

Disappointingly, only 11 States Parties made use of the new expanded form in reports submitted in 2006: Argentina, Canada, Chile, Czech Republic, France, Germany, Guinea-Bissau, Japan, Nicaragua, Romania, and Tajikistan.

As of 12 April 2007, two States Parties had used the new form in reports submitted in 2007: Tajikistan and the United Kingdom.

Landmine Monitor strongly encourages States Parties to use the expanded reporting format available at: [http://www.unog.ch/_80256ee600585943.nsf/\(httpPages\)/8ffeb508d93f62bec12571c0003de7d8?OpenDocument&ExpandSection=1%2C2#_Section1](http://www.unog.ch/_80256ee600585943.nsf/(httpPages)/8ffeb508d93f62bec12571c0003de7d8?OpenDocument&ExpandSection=1%2C2#_Section1)

Reporting on and Destroying Captured or Newly Discovered Stockpiles

States Parties regularly discover, capture, seize, or receive turned-in arms caches containing antipersonnel mines. It is a State Party’s responsibility to report on the acquisition and disposition of captured, seized, or turned-in antipersonnel landmines. States Parties should reveal through Article 7 forms the details of newly found antipersonnel landmines depending on whether they are maintained for a period as stockpiled mines (Form B), transferred for destruction or training purposes (Form D), actually destroyed (Form G), or retained for training purposes (Form D). This reporting should occur for discoveries and seizures made both before and after the completion of stockpile destruction programs.

Action #15 of the Nairobi Action Plan states: “When previously unknown stockpiles are discovered after stockpile destruction deadlines have passed, report such discoveries in accordance with their obligations under Article 7, take advantage of other informal means to share such information and destroy these mines as a matter of urgent priority.” The Final Report of the 18-22 September 2006 Seventh Meeting of States Parties noted, “States Parties continued to discuss their commitment to report, in accordance with Article 7 and through informal means, discoveries of previously unknown stockpiles found after stockpile destruction deadlines have passed. And they reaffirmed the need to destroy these mines as a matter of urgent priority. It was suggested that Form G of the Article 7 reporting format could be amended to facilitate reporting.”

In recent years, Burundi, Cambodia, Sudan, and Turkey have provided some official information on discoveries or seizures of mines. According to media and other accounts, Bangladesh, Bosnia and Herzegovina, Colombia, DR Congo, Kenya, Philippines, Serbia and Montenegro, Uganda, and Yemen have also made such discoveries or seizures in recent years, but none have reported to other States Parties about the acquisition or destruction of the mines.



Since mid-2006, there have been reports of discoveries or seizures of antipersonnel mines in Afghanistan (by national and coalition forces), Algeria, Bangladesh, Bosnia and Herzegovina (by EUFOR), Colombia, DR Congo, and the Philippines. Their Article 7 reports were not yet available for 2006 to verify reporting.

The International Campaign to Ban Landmines recommends that Form G, which already contains provisions for listing the destruction of stockpiled antipersonnel mines, be amended to include a section on the destruction of newly captured, seized, or turned-in antipersonnel mines following the completion of the formal stockpile destruction program. In addition to the quantity of antipersonnel mines found and destroyed, the form should allow States Parties to provide information on where and when antipersonnel mines were discovered. Without adequate documentation and accountability as required by Article 7, captured, seized, or turned-in antipersonnel mines can potentially be misplaced or misused.

Voluntary Reporting on Foreign Stocks

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

Voluntary Reporting on Claymore-Type and OZM-72 Mines

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

A total of 30 States Parties have declared that they retain stocks of Claymore-type and/or OZM-72 mines, 30 other States Parties have declared that they do not possess or have destroyed these types of mines. A vast majority of States Parties, a total of 91, have not declared whether their forces possess these types of mines.

Reporting on Mines with Sensitive Fuzes and Sensitive Antihandling Devices

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

The following 27 States Parties have expressed the view that any mine, despite its label or design intent, capable of being detonated by the unintentional act of a person is an antipersonnel mine and is prohibited: Argentina, Australia, Austria, Bolivia, Brazil, Canada, Colombia, Croatia, Estonia, Germany, Guatemala, Kenya, Ireland, Macedonia FYR, Mexico, Moldova, Mozambique, Netherlands, New Zealand, Norway, Peru, Slovakia, Slovenia, South Africa, Switzerland, Yemen and Zambia.

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

Several States Parties have reported that they have removed from service and destroyed certain ordnance items that, when used with mines, can cause them to function as antipersonnel mines. Belgium has banned pressure and tension release firing devices (igniters) used as booby-traps. France has destroyed a number of unspecified pressure and tension release fuzes. Germany and Slovakia have retired and destroyed antilift mechanisms that could be attached to mines. Slovakia has prohibited the use of the Ro-3 fuze as an antihandling device. Belarus has committed to destroying MUV-type fuzes used as antihandling devices and booby-traps.

