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LANDMINE MONITOR FACT SHEET

Prepared by Human Rights Watch

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

Geneva, Switzerland
1 February 2002

TRANSPARENCY MEASURES REPORTING (Article 7)

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

As of 31 January 2002, the UN had received initial transparency measures reports from 73 States Parties. One signatory, Cameroon, submitted its report even though it has yet to officially ratify the convention. A total of 38 States Parties are late submitting initial reports. **The overall compliance rate of States Parties submitting initial transparency measures reports is 66 percent.** This is a slight improvement from the 62 percent compliance rate reported in May 2001.

The 73 States Parties, and one signatory, who have deposited their initial transparency measures reports are listed below:

Andorra	Czech Rep.	Lesotho	Rwanda
Antigua and Barbuda	Denmark	Liechtenstein	Saint Kitts & Nevis
Argentina	Dominican Rep.	Luxembourg	San Marino
Australia	Ecuador	Macedonia FYR	Senegal
Austria	El Salvador	Madagascar	Slovakia
Belgium	Fiji	Malaysia	Slovenia
Belize	France	Mali	South Africa
Benin	Germany	Mexico	Spain
Bolivia	Grenada	Monaco	Swaziland
Bosnia Herzegovina	Guatemala	Mozambique	Sweden
Botswana	Holy See	Netherlands	Switzerland
Brazil	Honduras	New Zealand	Thailand
Bulgaria	Hungary	Nicaragua	Tunisia
Burkina Faso	Ireland	Niue	Turkmenistan
Cambodia	Italy	Norway	United Kingdom
Cameroon (Signatory)	Jamaica	Paraguay	Yemen
Canada	Japan	Peru	Zimbabwe
Costa Rica	Jordan	Philippines	
Croatia	Kiribati	Portugal	

LATE INITIAL REPORTS

The 38 States Parties who are late in submitting their initial transparency measures report as required by Article 7 of the Mine Ban Treaty are listed below in alphabetical order (see following for a chronological listing).

<u>Country</u>	<u>Due Date</u>	<u>Country</u>	<u>Due Date</u>
Albania	28 January 2001	Mauritius	28 August 1999
Bahamas	28 August 1999	Moldova	28 August 2001
Bangladesh	28 August 2001	Namibia	28 August 1999
Barbados	28 December 1999	Nauru	31 July 2001
Chad	29 April 2000	Niger	28 February 2000
Colombia	28 August 2001	Panama	28 September 1999
Cote d'Ivoire	30 May 2001	Qatar	28 September 1999
Djibouti	28 August 1999	Romania	28 October 2001
Dominica	28 February 2000	Saint Lucia	29 March 2000
Equatorial Guinea	28 August 1999	Samoa	28 August 1999
Gabon	28 August 2001	Seychelles	30 May 2001
Ghana	30 May 2001	Solomon Islands	28 December 1999
Guinea	28 September 1999	Tajikistan	28 September 2000
Iceland	29 April 2000	Tanzania	28 October 2001
Kenya	28 December 2001	Togo	28 February 2001
Liberia	28 November 2000	Trinidad Tobago	28 August 1999
Malawi	28 August 1999	Uganda	28 February 2000
Maldives	28 August 2001	Venezuela	29 March 2000
Mauritania	30 June 2001	Zambia	27 January 2002

MISSING ANNUAL UPDATES IN 2001

The following 16 States Parties, having provided an initial report, did not submit the required annual updated report due by 30 April 2001: Andorra, Antigua and Barbuda, Belize, Bolivia, Fiji, Guatemala, Holy See, Jamaica, Jordan, Lesotho, Macedonia FYR, Malaysia, Niue, St. Kitts and Nevis, Swaziland, and Tunisia.

PENDING DEADLINES

Initial transparency measures reports will be due from 11 States Parties later in 2002. These deadlines are listed below in alphabetical order (see following for a chronological listing).

Algeria	28 September 2002
Cape Verde	30 April 2002
Chile	28 August 2002
Congo Brazzaville	30 April 2002
Eritrea	31 July 2002
Guinea-Bissau	30 April 2002
Malta	30 April 2002
Nigeria	28 August 2002
St. Vincent & Grenadines	31 July 2002
Sierra Leone	30 March 2002
Uruguay	30 May 2002

ISSUES OF CONCERN

Late Reporting

A total of 38 States Parties are late in submitting their initial transparency measures report. These governments have thus far failed to fulfill a treaty obligation; Article 7 reporting is not optional; 180 days after entry into force is a legal deadline, not a target date. Timely reporting is also an important indicator of a government's commitment to the eradication of antipersonnel mines. It is important that governments meet the obligations of the convention, so as to build confidence in their intention and ability to meet other vital obligations. Article 7 reporting is also crucial because it can provide a wealth of information that will be useful to mine action practitioners.

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

Two important initiatives are underway on this matter. Belgium has taken the lead in coordinating an Article 7 Contact Group to encourage and facilitate reporting, and the NGO VERTIC has, in cooperation with the ICBL and ICRC, developed an Article 7 Reporting Handbook. The ICBL urges governments to support these initiatives in all ways possible.

Need for Reporting on Victim Assistance, Use of Form J

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 should report on their activities in this regard, utilizing the new voluntary Form J for Article 7 reports. A total of 17 States Parties have thus far used Form J, either in their initial or annual reports: Australia, Austria, Belgium, Canada, Honduras, Japan, Monaco, Mozambique, Netherlands, New Zealand, Nicaragua, Peru, Philippines, South Africa, Sweden, Thailand, and Zimbabwe.

Lack of Reporting on Foreign Stocks

A State Party is required to report on mines "owned or possessed by it, or under its jurisdiction or control." States Parties should report on foreign stockpiles in order to be consistent with at least the spirit if not the letter of the convention. Yet, Germany, Japan, and the United Kingdom did not even mention the existence of U.S. antipersonnel mine stocks in their Article 7 reports. Norway acknowledged that "[t]here are pre-stocked U.S. mines on Norwegian territory," but "[d]ue to previously concluded agreements, information on pre-stocked military materiel is not available for reporting." Qatar, which also hosts U.S. stocks, is late submitting its initial Article 7 report. Tajikistan, which is believed to host Russian stocks, is also late submitting its report.

Lack of Reporting on Prohibited Antivehicle Mines with Antihandling Devices

According to the definitions in the treaty, antivehicle mines (AVM) with sensitive fusing mechanisms (such as tilt rods or tripwires) and AVM equipped with antihandling devices (AHD) which explode from an unintentional act of a person – that is to say, AVM that function like antipersonnel mines -- are banned by the treaty. Thus, prohibited AVM with overly sensitive fuses or overly sensitive AHD should be included in Article 7 reporting, including types and numbers possessed, modified and destroyed. Yet, no government that has submitted an Article 7 report has given any details on prohibited AVM captured by the treaty, even though several governments have destroyed or modified such mines.

Lack of Reporting on Claymore Mines

Claymore mines are legal under the Mine Ban Treaty as long as they are command detonated, and not victim-actuated (used with a tripwire). States Parties that retain Claymore mines must use them in command-detonated mode only. 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 stockpiles of Claymore mines and no State Party has reported on the efforts or modifications undertaken to make these mines compliant under the treaty.

Need for Expanded Article 3 (Retained Mines) Reporting

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

Chronological Listing of Late Initial Report Submission Dates

28 August 1999	28 November 2000
Bahamas	Liberia
Djibouti	28 January 2001
Equatorial Guinea	Albania
Malawi	28 February 2001
Mauritius	Togo
Namibia	30 May 2001
Samoa	Cote D'Ivoire
Trinidad and Tobago	Ghana
28 September 1999	Seychelles
Guinea	30 June 2001
Panama	Mauritania
Qatar	31 July 2001
28 December 1999	Nauru
Barbados	28 August 2001
Solomon Islands	Bangladesh
28 February 2000	Colombia
Dominica	Gabon
Niger	Maldives
Uganda	Moldova
29 March 2000	28 October 2001
St. Lucia	Romania
Venezuela	Tanzania
29 April 2000	28 December 2001
Chad	Kenya
Iceland	27 January 2002
28 September 2000	Zambia
Tajikistan	

Chronological Listing of Pending Initial Report Submission Dates

30 March 2002	31 July 2002
Sierra Leone	Eritrea
30 April 2002	Saint Vincent and the Grenadines
Cape Verde	28 August 2002
Congo Brazzaville	Chile
Guinea-Bissau	Nigeria
Malta	28 September 2002
30 May 2002	Algeria
Uruguay	

This fact sheet is based on information as of 25 January 2002.

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