

**Meeting of the States Parties to the Convention
on the Prohibition of the Use, Stockpiling,
Production and Transfer of Anti-Personnel
Mines and on Their Destruction**

24 November 2010
English
Original: French

Tenth meeting

Geneva, on 29 November–3 December, 2010

Item 11 (e) (i) of the provisional agenda

Consideration of the general status and operation of the Convention

Other matters essential for achieving the Convention's aims

Transparency and the exchange of information

**Transparency measures and the exchange of information in
the framework of the Anti-Personnel Mine Ban Convention:
points for discussion**

Submitted by Belgium

I. Background

1. In accordance with article 7 of the Convention, each State party is under an obligation to submit to the Secretary-General of the United Nations an initial report, and thereafter an annual update of the information initially submitted, on the issues covered by article 7: national implementation measures referred to in article 9, stockpiled anti-personnel mines and status of programmes for the destruction of these mines, location of all mined areas under its jurisdiction or control and status of programmes for the destruction of the anti-personnel mines contained in these areas, anti-personnel mines retained or transferred for training, status of programmes for the conversion of anti-personnel mine production facilities, technical characteristics of each type of anti-personnel landmine produced and of those owned or possessed by the State party, and measures taken to provide a warning to the population in relation to all mined areas.

2. Article 7 reporting is an obligation that is incumbent on all States parties. Reporting is important as it demonstrates that States parties are taking the Convention and their obligations thereunder seriously. When submitting its initial report, a State party makes a formal declaration of the obligations that are relevant in its case. The annual reporting process enables the State party subsequently to submit updated information on the status of its efforts and progress made towards fulfilling the obligations that the State party has itself identified. The submission of annual reports containing this information is not only beneficial to the implementation process but may also provide support for resource mobilization efforts.

3. Although the reporting questions are relevant to all States parties, they are particularly relevant in the case of States parties that have stockpiled mines to be destroyed,

that are clearing mined areas, that are retaining anti-personnel mines in accordance with article 3 or that are undertaking measures in application of article 9.

4. At the Nairobi Summit in 2004, the States parties declared that “transparency and the open exchange of information have been essential pillars on which the Convention’s practices, procedures and tradition of partnership have been built, through both formal means and informal means”. At the Cartagena Summit in 2009, the States parties noted that, since the first Summit, “transparency in all forms has indeed been essential for achieving the Convention’s core aims”.

5. In addition to submitting reports in accordance with article 7, States parties are urged to provide information through more informal channels, on a regular basis each year, on the progress they have made towards fulfilling their obligations. States parties are encouraged to share their advances in the statements they make at informal meetings of the standing committees and at meetings of the States parties, as well as to provide information on the implementation of the five-year Cartagena action plan adopted in 2009.

II. Observations

6. At the Cartagena Summit, the States parties noted that “since the Nairobi Summit the exchange of information between States parties has been vibrant, particularly on the part of States parties in the process of implementing key provisions of the Convention”, and that “new tools have been developed to assist in the formal and informal exchange of information”, although “the rate of adherence to the Convention’s reporting obligations has waned since the Nairobi Summit”.

7. Given this situation, and on the strength of the review conducted in Cartagena and the undertakings assumed in the Cartagena action plan, Belgium, which has coordinated an informal article 7 contact group since 2001, wishes to accord greater attention to the ongoing fulfilment of article 7 obligations and place the emphasis on producing high-quality transparency reports.

8. To this end, the following observations may be made.

III. Annual reporting rate

9. The annual article 7 reporting rate has fallen steadily and has never again reached the level attained during the year of the Nairobi Summit. Some States parties have not updated the information required under article 7 for several years.

IV. Reporting in relation to article 5

10. Many States parties submit reports that do not contain all the relevant information requested under article 7. For example, a particular point highlighted at the Cartagena Summit with regard to reporting by States parties that are fulfilling their mine clearing obligations was that a certain number of States parties, including some for which the Convention entered into force several years ago, have not yet provided a clear indication, in accordance with their obligations under article 7, paragraph 1 (c), of “the location of all mined areas that contain, or are suspected to contain, anti-personnel mines”.

11. The wealth of information contained in the extension requests submitted by certain States parties in accordance with article 5 has highlighted the lack of precise, detailed information in the article 7 reports submitted by the same States parties. Accordingly, these

State parties must make a particular effort to ensure that the information they provide on each area that contains mines or is suspected to contain mines is as comprehensive as possible, i.e. that it includes the name of each area identified, its precise geographical location, its size, the estimated quantity of anti-personnel mines emplaced in the area, the area of land released, the methods used to make the area non-hazardous, the quantity of anti-personnel mines destroyed, the date of land release and lastly the size of the area still to be cleared, if applicable.

12. A “suggested outline for preparing article 5 extension requests” was adopted at the Cartagena Summit and included in the final document. This outline may be used by all States parties which are clearing mined areas in accordance with article 5 to submit information on their progress. This outline, if used, is a tool that can significantly enhance the quality and precision of the information submitted.

13. Precise, regular, good-quality article 7 reporting can help States parties in the implementation process and in resource mobilization. It can also serve as a basis for all other reports that States parties are required to submit in relation to the Convention.

V. Reporting on other key issues: articles 9, 3 and 4

14. In addition to reporting in relation to article 5, the following issues — national implementation measures, anti-personnel mines retained in accordance with article 3 and stockpiled anti-personnel mines — should be accorded particular attention in States parties’ article 7 reports.

15. A total of 64 States parties have not yet indicated either that they have adopted the legislative measures referred to in article 9 or that their existing legislation is sufficient to cover the provisions of this article. These States parties need to accord greater attention to submitting transparency reports “on the national implementation measures referred to in article 9” and exchanging information within the framework of the Intersessional Work Programme.

16. A number of the 75 States parties that have indicated that they have retained anti-personnel mines in accordance with article 3 of the Convention have not yet provided information about the use of these mines. As established in actions #56–58 of the Cartagena action plan 2010–2014, the States parties concerned must submit information on “the plans for and actual use of anti-personnel mines retained” and “explain any increase or decrease in the number of retained anti-personnel mines”. Similarly, States parties that have maintained the same number of anti-personnel mines over periods of years are encouraged to report “on the use of such mines ... or on concrete plans for their use”.

17. The four States parties that have not yet fulfilled their obligations under article 4 are encouraged to continue to report on the progress of implementation of article 4 to other States parties not only through annual article 7 reports but also at every meeting of the Standing Committee on Stockpile Destruction and at every meeting of the States parties, as established in the Cartagena action plan.

18. States parties that discover previously unknown stockpiles after destruction deadlines have passed may use the forms provided for this purpose to submit information on the status of these stocks and the plans established for their destruction in their transparency reports.

VI. Other important issues

19. The Cartagena action plan 2010–2014 gives particular prominence to the exchange of detailed information on the key obligations established in the Convention, not only through formal channels such as the article 7 reporting procedure but also through informal channels.

20. Some States parties that have key obligations on which they are required to report not only do not submit their reports on a regular basis but also fail to take advantage of the official information exchange mechanisms that exist for the purpose of such reporting.

21. States parties that have never had stockpiled anti-personnel mines or mined areas, that do not retain mines in accordance with article 3, that have never produced anti-personnel mines and that have either taken the necessary measures in accordance with article 9 or indicated that their existing domestic legislation is sufficient to cover the provisions of this article, can facilitate their task by completing only the simplified version of the standard forms that exist for reporting purposes.

VII. Next steps

22. In the light of the observations made in this document, between now and the next meetings of the standing committees scheduled for June 2011, Belgium would like to engage all States parties and stakeholder organizations in a discussion to explore possible means of revitalizing the article 7 reporting process, with an equal focus on the problems of report regularity, precision and quality. A document setting out the outcome of these discussions will be presented by Belgium at the meetings of the standing committees in June 2011 and may serve as a basis for any future action taken in relation to reporting.
