

**FIRST REVIEW CONFERENCE 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**

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**COMMENTS ON THE INFORMATION PROVIDED BY THE
PRESIDENT ON PREPARATIONS PERTAINING TO A
A REVIEW OF THE STATUS AND OPERATION OF
THE CONVENTION AND ON A 2005-2009 ACTION PLAN**

Document prepared by France

1. At the first preparatory meeting of the First Review Conference, held in Geneva on 13 February 2004, it was suggested that States parties should devise an **action plan** on the challenges to be taken up in the period 2004-2009. The starting point for drafting a relevant and effective action plan should be a **lucid and action-oriented** analysis of the impact of the Ottawa Convention five years after its entry into force. This is the aim of the document on the draft review of the status and operation of the Convention.
2. If the message is to be forceful and impartial, **a careful distinction needs to be drawn between the Convention's humanitarian impact and its impact on disarmament**; this would make it possible to define more clearly the course of future action. Taking up and building on the contents of the document provided by the President, **France suggests that the document should be structured in two parts**, as described below.

Part one: assessment of the humanitarian impact

3. The prime objective of the Ottawa Convention is to minimize the number of victims of anti-personnel mines. States parties also undertook to provide assistance to mine victims and to ensure their social and economic reintegration. The review to be adopted at the conference in Nairobi should **stress the nature of the norm** established by the Convention in this vital area. The issue of assistance to victims should therefore be mentioned first in the document. The issue of mine clearance, which is its corollary, should complete the analysis.

Assistance to victims

4. The document should show **the trend in the number of new victims** claimed by anti-personnel mines since the entry into force of the Convention. The appraisal should also take into account, as far as possible, the victims in countries outside the scope of the Convention. In revealing the fall in this number, it will highlight the success already achieved in this area.

5. Assistance to victims depends on a sustained financial contribution from donor States. In addition to the information already provided in the draft, an **account of the level of funding and of funding mechanisms** (national contributions and contributions by international or regional organizations) could be helpful for drawing up relevant recommendations for the future.

Progress in mine clearance

6. The basic requirement for reducing the number of new victims is to clear as many mined areas as possible. The Convention's objective of eradicating anti-personnel mines by 2009 is an ambitious one given the number of areas still affected. In addition to the information provided, the document should include an estimate of the **area already cleared, chart the objectives to be reached** and assess trends in the costs involved.

7. Mine clearance is carried out by **various types of organization**. Mine clearance programmes should be set up by national bodies capable of maintaining local mine clearance expertise. The review should assess progress in this area and the level of cooperation between affected countries and donor countries.

Part two: assessment of the impact on disarmament

8. As well as assessing the Convention's humanitarian impact and its effectiveness from this point of view, it seems important to assess its impact on **disarmament** in the six years it has been in force. The impact of the Ottawa Convention, which prohibits the use, production and transfer of a clearly identified type of conventional weapon, needs to be measured in this crucial section dealing with disarmament **requirements**. Its impact should be evaluated over a **wide geographical area** that includes not just the geographical area covered by the Convention but also the geographical areas where States are not parties to the Convention.

9. On the basis of the President's document, the issue of disarmament should be addressed in the review under the following headings: **universalization, stockpiles, strategic impact and compliance**.

Universalization

10. The Ottawa Convention introduced a new humanitarian norm that **is meaningful only if universal disarmament measures are taken in respect of anti-personnel mines**. Full compliance is the only guarantee of disarmament. The disarmament measures are partly inspired by strategic considerations put forward by States that are not parties to the Convention. To promote universalization of the norm, the review should point out:

- The **main obstacles** to universalization of the norm;

- **The impact on the military doctrines** of States that are not parties to the Ottawa Convention;
- **The progress made towards universalization** since 1999 with regard to States that have large stockpiles of anti-personnel mines.

Stockpiles

- Estimate the quantity of stocks destroyed or in the process of being destroyed **in relation to existing worldwide stockpiles**;
- Indicate whether new stockpiles are being built up and the pace of any such build-up;
- Determine whether article 3, relating to exceptions, is being fully observed.

Strategic impact

11. To complete the analysis, the review would benefit from an assessment of the strategic impact:

- The coverage of the Ottawa Convention around the world in 2004, **by geographical area and number of inhabitants**, should be established in Nairobi;
- It would be useful to indicate the trend in the worldwide costs of anti-personnel mines in relation to **worldwide military spending** since the entry into force of the Convention;
- An estimate of the number of mines transferred to **non-State actors** and their use should be submitted for consideration at the conference;
- A working paper on the current situation with regard to the **threat of the use of anti-personnel mines** in the main regions of conflict would be a useful supplement to the analysis.

Compliance with the Convention

12. A disarmament instrument deserves that name only if it is verifiable and respected:

- **Article 7** of the Convention is designed to ensure full compliance with the Convention. Information on the **practical nature of these provisions** should be presented in Nairobi;
- **Article 8** has not as yet been implemented. Should it be deduced from this that States are fully applying the provisions of the Convention, or that these provisions are ill-adapted and difficult to implement? The review should consider this question.
