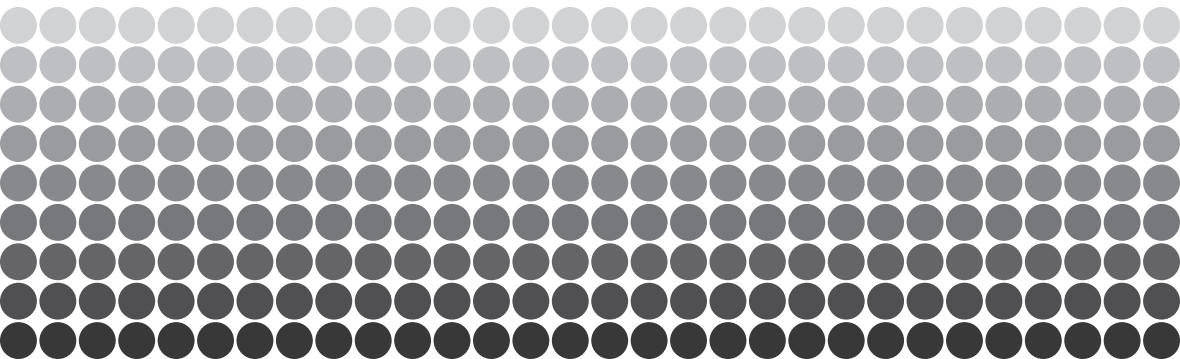


SIPRI YEARBOOK 2013

Armaments, Disarmament and International Security

Humanitarian arms control initiatives

LINA GRIP AND TAMARA PATTON



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This is an offprint of section I of chapter 9 of

SIPRI Yearbook 2013: Armaments, Disarmament and International Security

Oxford University Press, 2013, ISBN 978-0-19-967843-3, hardback, xxii+574 pp., £100/\$185

The SIPRI Yearbook is published and distributed in print and online by Oxford University Press—more information is available at <<http://www.sipriyearbook.org>>

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I. Humanitarian arms control initiatives

LINA GRIP AND TAMARA PATTON

Developments in the Certain Conventional Weapons Convention: renewed talks to control mines other than anti-personnel mines

During 2012 the main issue for the parties to the 1981 Certain Conventional Weapons (CCW) Convention was the possibility of extending the treaty to cover the use, transfer and clearance obligations for mines other than anti-personnel mines (MOTAPM).¹ Although both Amended Protocol II of the CCW Convention and the 1997 Anti-Personnel Mine Convention address anti-personnel mines (APMs), the former does not specifically regulate MOTAPM and the latter does not include them in the ban on APMs.² A number of states parties and civil society organizations have long advocated the creation of a separate protocol on MOTAPM under the CCW Convention; and when the negotiations on controlling cluster munitions in the CCW regime broke down in 2011, they saw an opportunity for this.

No legal definition yet exists for MOTAPM. While the CCW discussions initially sought to tackle all mines left unaddressed in current legal frameworks, they quickly narrowed their scope to anti-vehicle mines (AVMs).³ In many cases AVMs detonate when a certain pressure is exerted on the trigger system but they cannot differentiate military from civil targets and they may pose a threat to civilians long after a conflict has ended.⁴ Contamination of territory by AVMs may deny civilians access to essential items, such as (emergency) aid, food and basic services.

The initiative to control MOTAPM in the CCW Convention was first proposed by Denmark and the United States in 2001, and the states parties subsequently agreed on a mandate to consider a separate CCW protocol for the issue.⁵ In 2006 the states parties to the CCW Convention, unable to agree on a protocol to restrict MOTAPM, suspended further negotiation on

¹ For a summary and other details of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be Deemed to be Excessively Injurious or to have Indiscriminate Effects (CCW Convention) and its protocols see annex A in this volume.

² For a summary and other details of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (APM Convention) see annex A in this volume.

³ On AVMs in international law see CCW Convention, Meeting of Experts on Mines other than Anti-personnel Mines, 'Rules of international humanitarian law applicable to anti-vehicle mines', Background paper prepared by the International Committee of the Red Cross (ICRC), 2–4 Apr. 2012. Documents relating to the CCW Convention can be found on the website of the United Nations Office at Geneva, <<http://www.unog.ch/ccw/>>.

⁴ Soldiers of Peace International Association, 'Mines other than the antipersonnel mines, MOTAPM', <<http://www.fname.info/aisp/eng/index.php?Itemid=22>>.

⁵ CCW Convention, Second Review Conference, Final Document, CCW/CONF.II/2, 11–21 Dec. 2001, p. 10.

the issue indefinitely and turned their attention to addressing cluster munitions.⁶

But when the parties to the CCW Convention failed to reach agreement on restricting cluster munitions in 2011, and those negotiations were again suspended, they decided to renew the talks on MOTAPM.⁷ An open-ended meeting of experts was convened in April 2012 to submit a report to the 2012 meeting of states parties.⁸ At the meeting of experts the issues raised included the irresponsible use of MOTAPM, transfers to non-state actors, the need for mines to incorporate self-destruct mechanisms and detectability, and a specific requirement that AVMs be used exclusively in perimeter-marked areas (i.e. areas marked, fenced and monitored so as to ensure the effective exclusion of civilians).⁹

A consensus among CCW parties on MOTAPM has proved elusive, but their views appear closer on this issue than on cluster munitions.¹⁰ Most states support measures to reduce the risk of indiscriminate and irresponsible use of MOTAPM but do not advocate a total ban, nor is there any global non-governmental organization (NGO) campaign to ban MOTAPM. In its statement in April 2012 the International Committee of the Red Cross (ICRC) underlined the humanitarian consequences of MOTAPM use, but did not advocate a total ban.¹¹ At the expert meeting on MOTAPM in April the European Union (EU), whose member states had been unable to agree on a common position on cluster munitions in 2011, stated that a balanced approach was needed, taking into consideration humanitarian and military concerns, and acknowledged that 'MOTAPM can still be used as legitimate weapons'.¹² Similarly, Australia, while concerned with the humanitarian consequences of irresponsible use, announced that 'We certainly do not seek or expect to ban all anti-vehicle mines'.¹³ Israel also stated its wish for an agreement in the CCW on MOTAPM in order to restrict AVM use outside perimeter-marked areas, to introduce obligations for mechanisms for detection and to prohibit the transfer of MOTAPM to non-state actors, in

⁶ Lachowski, Z. and Sjögren, M., 'Conventional arms control', *SIPRI Yearbook 2007*, p. 621.

⁷ On discussions on cluster munitions in the CCW regime see Grip, L., 'Limiting conventional arms for humanitarian reasons: the case of cluster munitions', *SIPRI Yearbook 2012*.

⁸ Geneva International Centre for Humanitarian Demining, 'MOTAPM', <<http://www.gichd.org/international-conventions/convention-on-certain-conventional-weapons-ccw/motapm/>>.

⁹ CCW Convention, Meeting of States Parties, 'Report of the 2012 Meeting of Experts on Mines other than anti-personnel mines (MOTAPM)', CCW/MSP/2012/4, 29 May 2012, p. 2; and CCW Convention (note 3), p. 4.

¹⁰ Cave, R., 'Disarmament as humanitarian action? Comparing negotiations on anti-personnel mines and explosive remnants of war', eds J. Borrie and V. Martin Randin, *Disarmament as Humanitarian Action: From Perspective to Practice* (UN Institute for Disarmament Research: Geneva, May 2006), p. 62.

¹¹ Statement by the ICRC on the humanitarian impact of MOTAPM, Geneva, Apr. 2012.

¹² CCW Convention, Meeting of Experts on Mines other than Anti-personnel Mines, Statement by the European Union, 2–4 Apr. 2012, p. 1.

¹³ CCW Convention, Meeting of Experts on Mines other than Anti-personnel Mines, Statement in General Exchange of Views, P. Kimpton, Australian Permanent Mission to the UN, 2 Apr. 2012, p. 2.

combination with continued legitimate use of this type of weapon.¹⁴ In its initial statement, the Republic of Korea (South Korea) declared that ‘under [the] circumstances of its national security, it cannot but depend on the deployment of mines including MOTAPM as a means of defense and deterrence’, but it nevertheless supported the balanced regulation of MOTAPM through the CCW regime.¹⁵ Echoing the views of some other AVM-producing and -using states, Brazil stated that it strongly believed that any new obligation with respect to AVMS ‘must not imply additional costs in terms of financial and technological requirements, which would impact developing countries disproportionately’.¹⁶

While many states that use and produce MOTAPM announced support for restrictions on MOTAPM within the CCW regime, a few—notably Russia—did not see a justification for a separate protocol on MOTAPM, citing the lack of evidence that this type of weapon causes more harm to civilians than other explosive devices—such as improvised explosive devices (IEDs).¹⁷ This is the main cause of disagreement between states parties to the CCW Convention on enhancing regulations to cover new weapon types, and a long-standing argument advanced by Russia on the issues of cluster munitions and MOTAPM. Although the aim of the CCW Convention is to prevent conventional weapons that may have indiscriminate effects on civilians, in reality, restrictions on use and production of military strategic weapons have only been introduced once the effects on civilians are well documented.

Based on the various statements made by the states parties in April 2012, there seems to be a consensus that transfers of MOTAPM to non-state actors should be restricted. This issue was highlighted in 2011–12 after reports of AVM use in Libya, the plunder of warehouses allegedly holding AVMS and their subsequent smuggling into the Darfur region of Sudan.¹⁸

MOTAPM was the main issue discussed at the CCW Convention meeting of states parties in November 2012, although that meeting made no decision to further the preparatory work on MOTAPM during the next inter-sessional phase. A widely held view at the meeting was that the problems

¹⁴ CCW Convention, Meeting of Experts on Mines other than Anti-personnel Mines, Statement by T. Rahamimoff-Honig, Deputy Permanent Representative of Israel, 2 Apr. 2012, pp. 2–3.

¹⁵ CCW Convention, Meeting of Experts on Mines other than Anti-personnel Mines, Statement by the Republic of Korea, 2–4 Apr. 2012, p. 1.

¹⁶ CCW Convention, Meeting of Experts on Mines other than Anti-personnel Mines, Statement by Brazil, 2 Apr. 2012, p. 1.

¹⁷ CCW Convention, Meeting of Experts on Mines other than Anti-personnel Mines, Statement by Russia, 2 Apr. 2012, p. 1.

¹⁸ Varner, B., ‘Libyan arms smuggled into Sudan threaten renewed violence in Darfur region’, Bloomberg, 6 Oct. 2011, <<http://www.bloomberg.com/news/2011-10-06/libyan-arms-smuggled-into-sudan-threaten-renewed-violence-in-darfur-region.html>>; and ‘Anti-tank or anti-vehicle mines: perfectly legal and plenty lethal’, Landmines in Africa, 11 Oct. 2011, <<http://landminesinafrica.wordpress.com/2011/10/11/anti-tank-or-anti-vehicle-mines-perfectly-legal-and-plenty-lethal/>>. On the diffusion of weapons from Libya see also chapter 1, section I, in this volume.

have already been identified and the discussions in 2012 were largely a repetition of the findings of the early 2000s. In the absence of a dedicated working group in the CCW regime, there are still a few plausible ways forward in the short term. First, it is clear that the discussions would benefit from new input, including an inclusive global mapping of MOTAPM use, contamination and casualties. States and NGOs that support a CCW protocol on MOTAPM are likely to increase their efforts to produce empirical studies in advance of the 2013 CCW Convention meeting of states parties. The Campaign to Ban Landmines stated in November 2012 that it does not believe in the approach currently taken in the CCW regime and will not support the process; however, it did not present a counter-proposal and there is no open consensus to start a parallel process.¹⁹ Second, in the absence of an AVM protocol to the CCW Convention, states may adopt national moratoriums on the export of AVMs, similar to those adopted on APMs in the 1990s prior to the adoption of Amended Protocol II and on cluster munitions in recent years.²⁰

Challenges in national reporting on explosive remnants of war

The CCW Convention's Protocol V on explosive remnants of war (ERW), adopted in November 2003, aims to reduce the impact on civilians of unexploded and abandoned munitions. The protocol requires each party to a conflict to clear ERW from the territory it controls once hostilities have ended. It also requires each party to a conflict to provide technical, material and financial assistance to clear ERW in areas not under its control that resulted from its own operations.

There has been a steady growth in membership since Protocol V entered into force in November 2006, and of the 115 states party to the CCW Convention at the end of 2012, 81 were also party to Protocol V.²¹ Five states joined Protocol V in 2012: Burundi, Cuba, Laos, South Africa and Turkmenistan. Burundi was the only new party to the CCW Convention. Membership of both the CCW Convention and its Protocol V remains sparsest in Africa, the Middle East and South East Asia (see figure 9.1).

National reporting remains an important mechanism for creating transparency and building confidence in the implementation of Protocol V. In moving towards the goal of universalization, steady implementation continues to be a key factor in strengthening the legitimacy of the protocol and

¹⁹ CCW Meeting of High Contracting Parties, 'ICBL Statement on Antivehicle Mines', 16 Nov. 2012.

²⁰ E.g. on Bulgaria's moratorium on landmines see First CCW Review Conference, Letter dated 3 May 1996 from the permanent representative of the Republic of Bulgaria to the United Nations at Geneva, CCW/CONF.I/15, 6 May 1996. On Singapore's and the USA's moratoriums on cluster munitions see Grip (note 7), p. 424.

²¹ For a full list of parties see annex A in this volume.

encouraging more states to join it in the future. In November 2007 the first conference of the protocol's parties decided to establish a database of national reports on implementation, pursuant to Article 10(2)(b) of the protocol. This database has been made publically available on the official website of the CCW Convention.²² States are currently requested to submit nine individual forms each year to the CCW Implementation Support Unit (ISU), addressing implementation of articles 3–9 and 11 of Protocol V and other relevant matters.

The number of national reports submitted has steadily increased over the years and 2012 saw the highest number of reports submitted. As of November 2012, the CCW ISU was able to assess reports submitted by 52 states, or 68 per cent of the 76 parties to Protocol V at the start of the year.²³ The CCW ISU continues to encourage more consistent and comprehensive reporting. The coordinator on national reporting at the 2012 Meeting of Experts on Protocol V pointed out that there was a considerable difference between the number of states that provided a response to a form and the number of states that actually provided details on implementation.²⁴

The lack of details in national reports on one of articles 3–9 and 11 could indicate a lack of understanding of that article's obligations or an inability to implement it. For example, a particular area of concern for the ISU has been the nature of information reported under Form B on Article 4. To facilitate clearance of ERW, this article calls for states to record and retain information on the use or abandonment of explosive ordnance. While 30 parties submitted Form B in 2012, only 10 reported having established a database for recording munition usage; only 11 provided information on allocation of responsibility for recording the use and abandonment of explosive ordnance; and only 12 reported on whether the relevant authorities and military personnel in the field had been informed about the national database or the Article 4 generic template.²⁵ These statistics suggest that only a small number of states parties to Protocol V may be implementing Article 4.²⁶ Many states parties did not provide sufficient infor-

²² United Nations Office at Geneva, CCW Convention, 'Protocol V database', <[http://unog.ch/80256EE600585943/\(httpPages\)/B84B4C205835421DC12574230039C42E?OpenDocument](http://unog.ch/80256EE600585943/(httpPages)/B84B4C205835421DC12574230039C42E?OpenDocument)>.

²³ CCW Convention, Sixth Conference of Parties to Protocol V, 'Report on national reporting', CCW/PV/CONF/2012/4, 21 Aug. 2012, p. 2.

²⁴ CCW Convention, Meeting of Experts on Protocol V, 'Presentation on the assessment of the guide to national reporting and the progress in implementing the provisions of Protocol V', Apr. 2012, p. 1.

²⁵ CCW Convention, CCW/PV/CONF/2012/4 (note 23), p. 3.

²⁶ The UN Office for Disarmament Affairs reported in Apr. 2012 at the Protocol V Meeting of Experts that the following states appear to be implementing Article 4: Australia, Belgium, Canada, Czech Republic, France, Germany, Ireland, Italy, Lithuania, New Zealand, Netherlands, Norway, Pakistan, Romania, Russia, Slovakia, Sweden, the United Arab Emirates and the USA. United Nations Office at Geneva, CCW Convention, 'Current status of Article 4 implementation according to the information submitted by states in their national annual reports', <<http://unog.ch/80256EDD006B8>>.

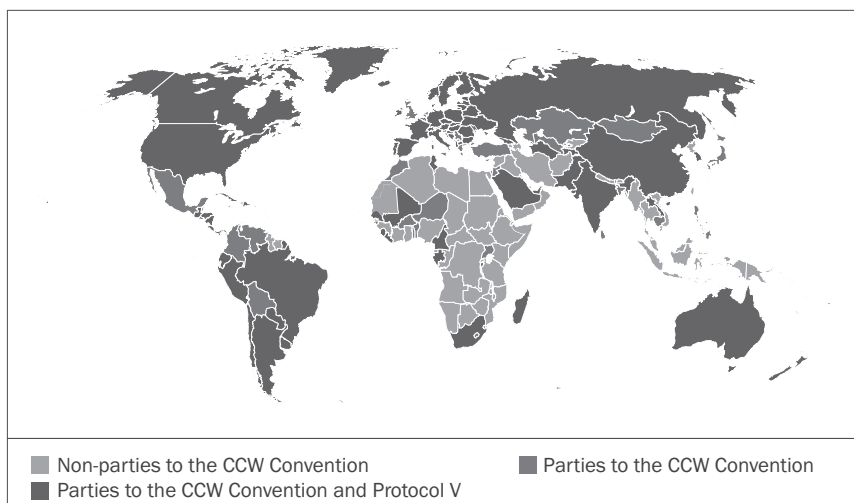


Figure 9.1. Progress towards universalization of Protocol V of the Certain Conventional Weapons Convention on explosive remnants of war

Note: In order to become a party to the 1981 Certain Conventional Weapons (CCW) Convention, a state must ratify at least 2 of its protocols. Of the 54 UN member states in Africa, 22 are party to the CCW Convention and 11 to Protocol V. Of the 35 UN member states in the Americas, 24 are party to the CCW Convention and 19 to Protocol V. Of the 42 UN member states in Asia and Oceania, 19 are party to the CCW Convention and 9 to Protocol V. Of the 48 UN member states in Europe, 42 are party to the CCW Convention and 38 to Protocol V. Of the 14 UN member states in the Middle East, 6 are party to the CCW Convention and 3 to Protocol V. In addition, the Holy See, a non-UN member state, is party to both the CCW Convention and Protocol V.

Source: Annex A in this volume.

mation for the ISU to determine whether they are implementing the article, and the majority did not provide any information at all.

A broader and ongoing national reporting issue of significance involves the differentiation between ‘explosive remnants of war’ and ‘existing explosive remnants of war’. As several key articles in Protocol V apply exclusively to ‘explosive remnants of war other than existing explosive remnants of war’, the distinction between ERW created before the protocol’s entry into force in a state (i.e. existing ERW) and ERW created afterwards is important for determining compliance. For example, issues such as clearance obligations, reporting standards, protection of civilians, and cooperation and assistance only apply to the latter category. Based on reports submitted in 2012, states do not appear to make a clear distinction between ERW and existing ERW. More investigation is required to deter-

mine whether states are actively integrating this distinction into their national implementation strategies.

In November 2012 the Sixth Conference of parties to Protocol V recommended that the states parties continue to refer to the ‘Guide to national reporting’, which provides a detailed checklist of items that should, ideally, be included in each reporting form under each article.²⁷ As the Fourth Conference adopted this guide in 2009, upcoming conferences will be forced to address the continued disparity in reporting standards among states, seeking new ways to incentivize parties to report more thoroughly on implementation of their obligations.

Developments in the Convention on Cluster Munitions

Ten states ratified the 2008 Convention on Cluster Munitions (CCM) in 2012—Australia, Cameroon, Côte d’Ivoire, Honduras, Hungary, Mauritania, Peru, Sweden, Switzerland and Togo—bringing the total number of parties to 77, alongside 34 states that have signed but not ratified the convention.²⁸ In comparison, 18 states ratified the CCM in 2011—suggesting that, while membership is steadily increasing as signatory states move through their domestic ratification procedure, the CCM did not experience an upsurge of new membership in 2012 after the failure of the parties to the CCW Convention to agree on measures related to cluster munitions in 2011.²⁹

In 2012 there were credible reports of the use of cluster munitions by Sudan and Syria—neither of which is a state party to the CCM.³⁰ In November 2012 Human Rights Watch and others announced that there was compelling evidence that the Syrian armed forces had used cluster munitions against an olive oil-processing facility and in a separate strike on a nearby olive grove, killing at least 12 civilians.³¹

Norway hosted the third meeting of the states parties to the CCM in September 2012, where it encouraged discussion of the role of the CCM in international humanitarian law following the outcome of the discussions in

²⁷ United Nations Office at Geneva, CCW Convention, Protocol V Sixth Conference, ‘Final document, advanced version’, Nov. 2012, <[http://unog.ch/80256EDD006B8954/\(httpAssets\)/29E5C7B9932C0A26C1257ADA005884DC/\\$file/Report_SixthConf_ProtocolV_AdvancedVersion.pdf](http://unog.ch/80256EDD006B8954/(httpAssets)/29E5C7B9932C0A26C1257ADA005884DC/$file/Report_SixthConf_ProtocolV_AdvancedVersion.pdf)>, p. 6; and ‘Guide to national reporting’, <[http://unog.ch/80256EE600585943/\(httpPages\)/C94A2E8E4FB1EF52C12574080055C8CB?>](http://unog.ch/80256EE600585943/(httpPages)/C94A2E8E4FB1EF52C12574080055C8CB?>)>.

²⁸ For a summary, list of parties and signatories, and other details of the Convention on Cluster Munitions see annex A in this volume.

²⁹ On discussions on cluster munitions in the CCW regime in 2011 see Grip (note 7), pp. 419–22.

³⁰ Landmine and Cluster Munition Monitor, *Cluster Munition Monitor 2012* (Cluster Munition Coalition: London, Sep. 2012), p. 5.

³¹ Human Rights Watch, ‘Syria: evidence shows cluster bombs killed children’, 27 Nov. 2012, <<http://www.hrw.org/news/2012/11/27/syria-evidence-shows-cluster-bombs-killed-children-0>>. On the conflict in Syria see also chapter 1, section I, chapter 2, section II, and chapter 8, section III, in this volume.

the CCW regime in 2011.³² Many non-parties attended the meeting, but of the main cluster munition-producing states only China was represented. States parties raised the need for universalization of the CCM, but at the meeting Belgium was alone in asking for a realistic strategy to achieve this goal. Several African parties (e.g. Zambia) announced a wish to see Africa become the first ‘cluster munitions-free zone’. Representatives of 34 sub-Saharan African countries—including 17 that had signed but not ratified the convention and 3 that had not signed it—took part in a regional conference on the universalization of the convention in Accra, Ghana, in May 2012 at which the Accra Universalization Action Plan was drafted and adopted. Four of the participating states ratified the convention later in 2012 or early 2013.³³

The CCM meeting took no decision on creating an implementation support unit. On the broader issue of compliance, there was little discussion among states parties at the plenary meeting on the so-called ‘interpretative issues’ of the convention, namely assistance with prohibited acts (e.g. trade in dual-use weapon components), transit and foreign stockpiling of cluster munitions belonging to non-state parties, and investments in companies producing cluster munitions. However, at the sidelines of the conference, the Cluster Munition Coalition (CMC), a civil society campaign, continued its awareness and advocacy activities to push these issues onto the CCM agenda.³⁴

Developments in the Anti-Personnel Mines Convention

The 12th Meeting of the States Parties to the APM Convention was held in Geneva in December 2012. The meeting took place at the ‘mid-term review’ of the Cartagena Action Plan 2010–14, which seeks to ensure rapid and effective implementation of the APM Convention.³⁵ Three states ratified the convention in 2012—Finland, Poland and Somalia.

³² CCM, ‘Strengthening international humanitarian law’, CCM/MSP/2012/3, 9 Aug. 2012; and Norwegian Ministry of Foreign Affairs, Støre, G. J., Former Minister of Foreign Affairs, ‘Opening statement at Convention on Cluster Munitions’, Oslo, 11 Sep. 2012, <http://www.regjeringen.no/en/dep/ud/whats-new/Speeches-and-articles/speeches_foreign/2012/cluster_convention.html?id=698859>, pp. 7–8.

³³ Dube, G., ‘Africa takes the lead in universalising the Convention on Cluster Munitions’, Institute for Security Studies, 7 June 2012, <http://www.issafrica.org/iss_today.php?ID=1495-10>; and ‘The Accra Universalization Action Plan’, Accra, 29 May 2012, <<http://www.clusterconvention.org/meetings/regional-meetings/accra-regional-conference-on-the-universalization-of-the-ccm-28-30-may-2012/>>. Cameroon, Chad, Côte d’Ivoire and Togo ratified the convention later in 2012 or early 2013. A further 19 sub-Saharan African states have signed but not ratified the treaty. Eritrea, Mauritius and Zimbabwe have neither signed nor ratified the convention.

³⁴ Landmine and Cluster Munition Monitor (note 30), p. 3.

³⁵ APM Convention, 12th Meeting of the States Parties, 3–7 Dec. 2012, <<http://www.apmineban.convention.org/meetings-of-the-states-parties/12msp/>>; and APM Convention Second Review Conference, ‘Cartagena Action Plan 2010–2014: ending the suffering caused by anti-personnel mines’,

During 2012, four states parties requested an extension of the deadline for completing the destruction of APMs in mined areas in accordance with Article 5 of the APM Convention: Afghanistan (requesting an extension for 10 years), Angola (5 years), Cyprus (3 years) and Zimbabwe (2 years). Although the requests—which were all approved—seem modest in time, Angola requested 5 years to complete ‘the required activities’ after which ‘Angola will submit an application more suited to the situation that it identifies’—implying that the country is far from implementing the provisions on clearance.³⁶ Zimbabwe’s request for an extension was its third.³⁷ In addition, while not requesting an extension, Uganda reported that it would not meet its 1 August 2012 deadline. The Republic of the Congo neither submitted a request for consideration by the meeting of states parties nor indicated whether it would complete implementation by its deadline of 1 January 2013.³⁸ The president of the 11th Meeting, held in 2011, underlined that some states parties, almost 10 years after entry into force, ‘still lacked clarity regarding “the location of all mined areas that contain or are suspected to contain, anti-personnel mines under (their) jurisdiction or control”’.³⁹ On a positive note several states, including Denmark, Guinea-Bissau and Jordan, declared that they had completed implementation of this obligation in 2012.

The states parties to the APM Convention continue to tackle the issue of how to address newly discovered, previously unknown, mined areas in states parties that signed the convention in the belief that it would not involve any clearance obligations. The convention is silent on this matter.⁴⁰

The state of humanitarian arms control initiatives

In 2012 implementation of the humanitarian arms control-related conventions continued at a typical pace, although each convention also faced unique challenges in terms of its growth and development.

Cartagena, 29 Nov.–4 Dec. 2009. Documents relating to the APM Convention can be found on the website of the UN Office at Geneva, <<http://www.unog.ch/aplc/>>.

³⁶ APM Convention, 12th Meeting of the States Parties, ‘Request for an extension of the deadline for completing the destruction of anti-personnel mines in accordance with Article 5 of the convention: executive summary’, Angola, APLC/MSP.12/2012/WP.7, 9 Oct. 2012, p. 4.

³⁷ APM Convention, 12th Meeting of the States Parties, ‘Request for an extension of the deadline for the fulfilment of the obligations under Article 5 of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on their Destruction, Zimbabwe, APLC/MSP.12/2012/WP.11, 22 Oct. 2012, p. 7.

³⁸ APM Convention, 12th Meeting of the States Parties, ‘The analysis of requests for extensions to Article 5 deadlines 2011–2012’, APLC/MSP.12/2012/6, 29 Nov. 2012, p. 2.

³⁹ APM Convention, APLC/MSP.12/2012/6 (note 38), pp. 2–3.

⁴⁰ APM Convention, 12th Meeting of the States Parties, ‘Proposed rational response to states parties discovering previously unknown mined areas after deadlines have passed’, Co-chairs of the Standing Committee on Mine Clearance, Indonesia and Zambia, APLC/MSP.12/2012/7, 26 Nov. 2012.

The convergence of opinion among states that led to adoption of the Cluster Munition and APM conventions has been challenged by the problems of implementation. In the CCM, the seemingly simple issue of establishing an ISU was hampered by differing views on responsibilities for funding implementation. Similarly, questions regarding investments and foreign stockpiles (by non-state parties on the territories of states parties) touch on important national issues, such as financial regulations and military alliances—issues that some states do not want to open to scrutiny under the CCM. A number of states parties face serious challenges in implementing their commitments under the APM Convention within the acceptable time frame. In the medium term, measuring compliance and handling cases of non-compliance will be key tasks for the APM Convention. Within the CCW, although the issue of MOTAPM remains unresolved, the states parties together with the ISU continue to work to improve implementation support mechanisms for existing commitments, especially in the area of national reporting.

Overall, future progress in the humanitarian arms control regime will depend on the unique compositions of states parties to each convention and whether agreement can be reached on financial priorities, on how to deal with compliance challenges, and on the most appropriate means for addressing enduring weapon threats to civilians.