

II. The Anti-Personnel Mines Convention

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The 1997 Convention on the Prohibition of the Use, Stockpiling, Production, and Transfer of Anti-Personnel Mines and on their Destruction (APM Convention) prohibits, among other things, the use, development, production and transfer of anti-personnel mines (APMs)—mines that detonate due to human contact, also known as ‘victim-activated’, and thereby encompassing improvised explosive devices (IEDs) that act as anti-personnel mines, also known as ‘improvised mines’.

Key developments in 2017

In 2017 two states, Sri Lanka and Palestine, joined the convention, bringing the total to 164 states parties by the end of the year, including all members of the European Union, every state in sub-Saharan Africa and every state in the Americas except for Cuba and the United States. Only 33 states remained outside the treaty.¹ Sri Lanka’s accession was significant since the country has used APMs in the past and is currently undertaking an extensive mine clearance effort.² Similarly, Palestine’s accession to the convention is important, given that some 20 square kilometres of its territory is contaminated by landmines, anti-vehicle mines and other explosive remnants of war (ERW).³

September 2017 marked the 20th anniversary of the signing of the convention and the establishment of both the United Nations Mine Action Service (UNMAS) and the Inter-Agency Coordination Group on Mine Action, which brings together working-level representatives of UN organizations involved in mine action to develop or revise policies and strategies, set priorities among UN players and share information.⁴ Mine action involves the clearance of landmines and other ERW, including explosive munitions left behind after conflicts end, in order to release land back to the community. Mine clearance encompasses a range of activities to achieve clearance of mine- and ERW-affected areas such as technical and non-technical surveys, and mapping and marking to identify mined and demined areas.

New use of APMs by states is now extremely rare. Only Myanmar and Syria—both states outside the treaty—recorded use in the period October

¹ For a summary of the APM Convention see annex A, section I, in this volume.

² Human Rights Watch, ‘Sri Lanka joins global landmine treaty’, 14 Dec. 2017.

³ ICBL, ‘Palestine accedes to the mine ban treaty’, News release, 3 Jan. 2018.

⁴ UN Mine Action Service; and United Nations, General Assembly, Assistance in mine action, Report of the Secretary-General, A/72/226.

2016 to October 2017.⁵ In Myanmar, for example, the security forces have been deploying APMs for the past 20 years and in 2017 were alleged to have built fences and placed landmines along the border to deter the Rohingya people fleeing government attacks from crossing into Bangladesh.⁶ In September, the President of the APM Convention called on the Myanmar Government to clarify the situation and consider allowing an independent fact-finding mission into the country.⁷

The use of APMs, including victim-activated improvised mines, by non-state armed groups in conflicts is a growing problem. Such improvised mines and APMs were used by non-state armed groups in at least nine countries from October 2016 to October 2017: Afghanistan, India, Iraq, Myanmar, Nigeria, Pakistan, Syria (including extensive use of improvised mines by the retreating Islamic State group), Ukraine and Yemen.⁸ There were no new uses of APMs by non-state armed groups in Colombia for the first time since monitoring began in 1999.

According to *Landmine Monitor 2017*, global casualties from APMs are at an 18-year high. The armed conflicts in Afghanistan, Libya, Ukraine and Yemen contributed to a second successive year of exceptionally high casualties caused by mines and other ERW in 2016. In 2016, the last year for which data is available, *Landmine Monitor* recorded 8605 mine/ERW casualties, of which at least 2089 were fatal, marking the highest recorded total since 1999 (when 9228 casualties were recorded) and the highest number of annual casualties caused by improvised mines ever.⁹

After hitting a 10-year low in 2015, international support for mine action in 2016 increased by over \$85 million: 32 donors contributed \$479.5 million to 40 states and 3 other areas. The top five mine action donors—the United States, the EU, Japan, Germany and Norway—contributed 70 per cent of all international funding in 2016.¹⁰ In 2017 there were three further pledging conferences, building on the three held in 2016, to support mine action: a second international pledging conference for the implementation of the convention held in Geneva on 28 February 2017, and two individual conferences in support of Iraq (in July) and Colombia (in September).¹¹ In April 2017 the United Kingdom announced a £100 million (\$124 million) aid package to

⁵ ICBL-CMC, *Landmine Monitor 2017* (ICBL-CMC: Geneva, Dec. 2017), pp. 1, 8–18. The report focuses on calendar year 2016, with information included up to November 2017 when possible.

⁶ Das, K. N., 'Bangladesh protests over Myanmar's suspected landmine use near border', Reuters, 5 Sep. 2017; and ICBL-CMC (note 5), pp. 9–10. On the conflict in Myanmar see also chapter 2, section III, in this volume.

⁷ 'Landmine treaty president calls for fact-finding mission in Myanmar', APM Convention, Press release, 22 Sep. 2017.

⁸ ICBL-CMC (note 5), pp. 1, 8–18.

⁹ ICBL-CMC (note 5), pp. 2, 51–62.

¹⁰ ICBL-CMC (note 5), pp. 3, 81–91.

¹¹ 'Second Pledging Conference for the Anti-Personnel Mine ban convention', APM website; and ICBL-CMC (note 5), pp. 82–83. Three pledging conferences were held in 2016, including the first

support landmine clearance projects in Afghanistan, Cambodia, Somalia and South Sudan over the next three years.¹²

In 2014, states parties set a shared goal of completing landmine clearance by 2025. In 2016, about 170 km² of land was cleared of landmines—an area similar to 2015—and more than 232 000 landmines were destroyed—a significant increase compared to 2015.¹³ In 2017 Algeria and Mozambique declared themselves free of landmines.¹⁴ Among the 57 states and four other sovereignty-disputed areas that are known to have mine contamination, 33 are states parties to the APM Convention. Only four of those appear to be on track to meet the 10-year deadline for clearance of known landmine contamination: Chile, the Democratic Republic of the Congo, Mauritania and Peru.¹⁵ Among the states parties that must still fulfil their mine clearance obligation are some of the most mine-affected in the world: Afghanistan, Angola, Bosnia and Herzegovina, Cambodia, Colombia, Iraq, Serbia, Thailand and Zimbabwe.

Ukraine is in violation of the APM Convention having missed its 1 June 2016 deadline for mine clearance without having requested a deadline extension. It is also in violation for having missed its stockpile destruction deadline.¹⁶ Collectively, states parties have destroyed more than 53 million stockpiled APMs, including the more than 2.2 million destroyed in 2016. The total global stockpile remaining today is estimated to be less than 50 million. Russia (26.5 million), Pakistan (6 million), India (4–5 million), China (5 million) and the USA (3 million) are estimated to be the largest stockpilers.¹⁷ After missing its original deadline, Belarus completed the destruction of its stockpiles in 2017, including more than 3 million Soviet-era PFM-1 mines. These are extremely hazardous and their destruction poses serious technical difficulties.¹⁸

International Pledging Conference for the Implementation of the APM Convention in March. See Davis et al. (note 3), p. 564.

¹² UK Department for International Development (DFID), 'UK triples support for action against landmines on 20th anniversary of Princess Diana's iconic Angola visit', DFID Press release, 4 Apr. 2017.

¹³ ICBL-CMC (note 5), pp. 2–3, 31–48.

¹⁴ 'After decades of work, Algeria one of the most mine-affected countries in the world, is now free from this scourge', APM Convention website, 10 Feb. 2017.

¹⁵ ICBL-CMC (note 5), pp. 2–3, 31–48.

¹⁶ See the discussion on Ukraine and landmines in Davis et al. (note 3), pp. 565–66.

¹⁷ ICBL-CMC (note 5), pp. 3–4, 18–19.

¹⁸ 'Belarus destroys over three million hazardous landmines fulfilling its Ottawa Convention obligations: Over 50 million landmines have now been destroyed', APM Convention website, 7 Apr. 2017.

The 16th Meeting of States Parties to the APM Convention

Annual meetings of treaty member states are held at different locations around the world. The 16th Meeting of States Parties (MSP) to the APM Convention took place in Vienna on 18–21 December 2017 and was chaired by the Austrian Ambassador Thomas Hajnoczi.¹⁹

The conference expressed concern over the growing use of improvised landmines, called for sustained assistance to victims of these weapons and agreed that more sustained and targeted efforts in mine clearance were needed to meet the 2025 mine-free ambition. The conference also expressed concern that Ukraine is now in a state of non-compliance and called on the country to submit a request for extension of its mine clearance deadline as soon as possible.²⁰

Five states parties—Angola, Ecuador, Iraq, Thailand and Zimbabwe—requested and were granted extensions on their mine clearance deadlines.²¹ Iraq, which joined the convention in 2007, requested and was granted an extension to 2028 due to new contamination from IEDs from the conflict with the Islamic State. Since 2008, Iraq has allocated almost \$250 million to its mine action activities, demined over 551 million square metres of land and destroyed 124 072 APMs.²² The other four states were all granted deadline extensions that fell within the global 2025 mine-free target.

On 21 December, the last day of the conference, Palestine indicated that it would accede to the convention, which it did on 29 December. Ambassador Suraya Dalil of Afghanistan was elected chair of the convention's 17th MSP, which is scheduled to take place on 26–30 November 2018.²³

¹⁹ For details of proceedings, documents and statements by states parties see 'Sixteenth Meeting of the States Parties', APM website.

²⁰ 'Landmine Treaty at 20: Gains made in mine clearance, stockpile destruction and universalization', APM Convention press release, 22 Dec. 2017.

²¹ Analysis of the request submitted by Angola for an extension of the deadline for completing the destruction of anti-personnel mines in accordance with Article 5 of the Convention, APLC/MSP.16/2017/WP.2, 1 Dec. 2017; Analysis of the request submitted by Ecuador for an extension of the deadline for completing the destruction of anti-personnel mines in accordance with Article 5 of the Convention, APLC/MSP.16/2017/WP.4, 20 Oct. 2017; Analysis of the request submitted by Iraq for an extension of the deadline for completing the destruction of anti-personnel mines in accordance with Article 5 of the Convention, APLC/MSP.16/2017/WP.6, 24 Oct. 2017; Analysis of the request submitted by Thailand for an extension of the deadline for completing the destruction of anti-personnel mines in accordance with Article 5 of the Convention, APLC/MSP.16/2017/WP.10, 23 Oct. 2017; and Analysis of the request submitted by Zimbabwe for an extension of the deadline for completing the destruction of anti-personnel mines in accordance with Article 5 of the Convention, APLC/MSP.16/2017/WP.14, 23 Oct. 2017.

²² APM Convention press release (note 20). On the challenges facing mine action in the Middle East more generally see 'Death fields: Challenges facing mine action in the Middle East', Future for Advanced Research and Studies, 31 Oct. 2017.

²³ APM Convention press release (note 20).

Conclusions

The International Campaign to Ban Landmines–Cluster Munition Coalition (ICBL–CMC) concluded in its 2017 report that implementation of, and compliance with, the APM Convention has generally been ‘excellent’. Core obligations have largely been respected and ambiguities, when they have arisen, have been dealt with in a satisfactory manner.²⁴ Similarly, the President of the APM Convention described progress since 1997 as ‘outstanding’, while noting with concern the recent increases in mine victims, largely due to the use of improvised anti-personnel mines by non-state actors.²⁵ However, the APM Convention also continues to be undercut by the refusal of some of the most powerful states, such as China, Iran, Israel, North Korea, Russia, Saudi Arabia and the USA, to sign it.²⁶

Compliance concerns remain regarding a small number of issues: Ukraine’s violation of Article 5 due to missing its 1 June 2016 clearance deadline (noted above); investigations still pending in relation to Yemen’s acknowledged use of APMs in 2011; missed deadlines by Greece and Ukraine to complete their stockpile destruction; the 71 states parties that retain APMs for training and research purposes, of which 37 retain more than 1000 mines (Bangladesh, Finland and Turkey each retain more than 12 000 mines); and poor annual reporting by states parties—only 48 per cent have submitted annual reports for 2016, a slight increase on the previous year (45 per cent).²⁷

²⁴ ICBL–CMC (note 5), pp. 4, 93–95.

²⁵ ‘President’s Final Declaration–Towards a mine-free world’, AP Mine Ban Convention, Dec. 2017.

²⁶ ‘Why do land mines still kill so many?’, *New York Times*, 6 Jan. 2018.

²⁷ ICBL–CMC (note 5), pp. 4, 93–95.