

# GICHD Insights

## TOWARDS THE FIFTH REVIEW CONFERENCE OF THE ANTI-PERSONNEL MINE BAN CONVENTION

### INTRODUCTION

The Fifth Review Conference of the Anti-Personnel Mine Ban Convention (APMBC)<sup>1</sup> will open in Siem Reap-Angkor, Cambodia, on 25 November 2024. To contribute to preparations for this event, the GICHD is launching a series of issue briefs on selected thematic areas relevant to APMBC implementation, for consideration in the Conference outcomes and during the next five years of implementation.

Introducing the series, this issue brief outlines why the Review Conference is important and some of the elements it could consider for a strong outcome. These relate to reaffirming the humanitarian narrative of the Convention; leveraging the links between APMBC implementation and broader humanitarian, development and peace efforts; broadening the focus from Article 5 completion to overall APMBC implementation; and setting a solid framework for action in the next review cycle.

Subsequent briefs will focus, among others, on the role of innovation in APMBC implementation; environmental and climate considerations in mine action; planning for completion; international cooperation and assistance; and the global state of play and next steps in explosive ordnance risk education. The final brief will present an analysis of the main results of the Review Conference and its outcome documents, particularly the Siem Reap-Angkor Action Plan.

### WHAT IS THE ROLE OF REVIEW CONFERENCES?

Review conferences are common in disarmament treaties. Occurring at regular intervals – typically every five years – they allow States Parties to assess progress of a given treaty's implementation and set the foundations for the following review cycle. Through decisions that touch both on substance (treaty provisions) and process (e.g. governance, support structures), review conferences are critical to ensure that international legal instruments remain relevant and able to meet any new or evolving challenge.

Like its predecessors, the Siem Reap-Angkor Summit on a Mine-Free World will aim to agree on three main outcomes: a political declaration, a review of progress on convention

implementation since the previous review conference (held in Oslo in 2019), and an action plan. Based on the implementation review and building on the Oslo Action Plan (OAP) agreed in 2019, the Siem Reap-Angkor Action Plan will provide a road map to guide States Parties' individual and collective efforts, at national and international levels, until 2029.

### WHY IS THE FIFTH REVIEW CONFERENCE IMPORTANT?

The Siem Reap-Angkor Summit represents a critical opportunity to reignite momentum on a treaty and a sector that have contributed to lessening human suffering around the world for more than two decades.

The APMBC, also known as the Ottawa Treaty, is a broadly successful convention, which has been crucial to cement the norm against the production, transfer and use of anti-personnel mines (APMs).<sup>2</sup> Once a core part of States' arsenals, in 2023 landmines were produced by 12 States,<sup>3</sup> stocked by an estimated 30 States<sup>4</sup> and rarely used.

From mid-2019 to mid-2023, the *Landmine Monitor* identified new use of APMs by two States not party to the Convention: Myanmar and the Russian Federation.<sup>5</sup> The latter case represents the first instance of APM use by a State not party to the APMBC in the territory of a State Party (Ukraine) since the Convention entered into force.<sup>6</sup> In the same period, the Convention's Committee on Cooperative Compliance "has considered allegations/confirmed allegations of non-compliance with Article 1.1 which surfaced in Sudan (2011/2012), Ukraine (2023) and Yemen (2011)", engaging in ongoing cooperative dialogue with all three.<sup>7</sup> Finally, the use of improvised mines by non-state armed groups has grown since the Fourth Review Conference, with cases recorded in 11 States up until mid-2023.<sup>8</sup>

Other events signal that a more fundamental challenge to the norm against anti-personnel landmines may be at play. Since 2019, several States Parties have shared their concern over the "possible renaissance of the perspective that anti-personnel mines are a legitimate means of warfare with military value".<sup>9</sup> Since 2022, debates over national defence needs and their compatibility with continued membership in the Convention have emerged in a few States, potentially

calling into question the very essence of the humanitarian norm against APMs that underpins the Ottawa Treaty.

In this already challenging context, APMBBC implementation continues to be slowed down or even halted in some States by different obstacles related to, among others, the lack of resources or capacities, difficult terrain, and contamination by other types of explosive ordnance, such as cluster munition remnants and other unexploded ordnance.<sup>10</sup>

The first task of the Fifth Review Conference, therefore, will be to reignite the momentum in support of the Convention, both at the political and operational levels, reaffirming the critical contribution of the landmine ban to reduce human suffering and examining practical ways to address the persistent challenges to progress.

## **POSSIBLE ELEMENTS FOR A "SUCCESSFUL" REVIEW CONFERENCE**

### **Reaffirming the fundamental humanitarian narrative underpinning the Convention**

During APMBBC negotiations, the core argument for a ban was not that landmines had little military value, but that such value was far outweighed by their disproportionate humanitarian impact.

Making the ban of APMs even thinkable, at a time when these weapons were stocked by a large majority of States and their military utility was considered high, required redefining the terms of the debate in two ways: showing the humanitarian cost of APMs and questioning dominant perceptions of their military usefulness.<sup>11</sup> The core argument resulting from these two processes was that landmines, despite their military utility, caused suffering and destruction that were not acceptable.<sup>12</sup> In the end, the moral argument of acceptability, rooted in the core principles of International Humanitarian Law that prohibit unnecessary suffering and indiscriminate use of force in warfare, prevailed over the military logic of effectiveness, prioritising human security – “freedom from want and from fear” – over State security.

The fundamental parameters of this reasoning have not changed: landmines still leave behind a profound legacy of human, social and economic costs that often persist for years, if not decades. Therefore, the Fifth Review Conference and the overall mine action sector should “go back to the origins” of the Convention, reminding the international community of the fundamental humanitarian and human security arguments that underpinned it, countering the reframing of anti-personnel landmines as legitimate weapons. Bringing people back to the centre of the debate would also help to raise awareness once again of the relevance of this historic treaty among the broader public, including domestic constituencies.

## **Leveraging the connection with global agendas<sup>13</sup>**

Awareness of the importance to link mine action with broader humanitarian, development and peace efforts, in the interest of greater effectiveness, has significantly increased in recent years.<sup>14</sup> Recognizing the relevance of these links, the OAP committed States Parties to integrating Convention implementation into national action relating to sustainable development, poverty reduction, humanitarian response, and strategies for the inclusion of persons with disabilities.<sup>15</sup> Globally, the OAP called on States to “Strengthen partnerships and integrate responses between the mine action community and relevant humanitarian, peacebuilding, development and human rights communities, bearing in mind the 2030 Agenda for Sustainable Development.”<sup>16</sup>

In the exchanges conducted so far on the new action plan, several States and organizations supported adding references to other global agendas, most notably on women, peace and security, and climate resilience and environmental considerations. Outside the mine action sector, references to mine action have been included in the current draft of the “Pact for the Future”, which is expected to be adopted at the Summit for the Future taking place in September 2024.<sup>17</sup>

The Fifth Review Conference should restate the essential role of mine action – and APMBBC implementation as part of it – as an enabler of, and precondition for, success in other sectors. In particular, the Conference should underline the implications of explosive ordnance contamination, including by landmines, on the enjoyment of a wide range of basic human rights. The rights-based perspective, consolidated in the framework of victim assistance, has been underutilized in relation to other mine action pillars and Convention obligations, most notably concerning clearance. Yet, unaddressed contamination critically impacts human rights, including the rights to life, livelihood, physical integrity and security, freedom of movement, physical and mental health, food, safe drinking water, employment, and education, amongst others.<sup>18</sup>

Highlighting the links between the APMBBC and areas of work beyond mine action is more than a conceptual exercise: it can help in setting the right objectives, by inserting them into broader efforts, also contributing to mine action being prioritized, both domestically and when interacting with external donors. Leveraging these connections can also open access to funding sources not traditionally used for mine action. More generally, it can help to design cross-cutting responses that are necessary to address complex challenges, in a context of diminishing resources and competing priorities.

## Broadening the focus from Article 5 completion to overall Convention implementation

In 2014, the launch of the global campaign to achieve a “mine-free world by 2025” helped generate new momentum around the Convention, even if its aspirational rather than realistic nature soon became clear. Emphasis on the 2025 deadline, however, had the inadvertent “unfortunate consequence of making completion the only success indicator of 2025”.<sup>19</sup> This overshadowed the significant progress achieved in implementing other Convention provisions while also strengthening further the tendency to prioritize clearance over other mine action pillars.

With 33 APMBC States Parties still addressing new or legacy contamination, the need to continue investing in survey and clearance is evident. However, increased efforts and resources are also necessary to implement other Convention obligations that are not time-bound, most notably on risk education and victim assistance.

Since 2019, major steps have been made towards professionalising risk education,<sup>20</sup> whose global profile has also gained strength in international forums. Some APMBC States Parties have adopted new methods, tools, and approaches, but there is still a need for strengthening national plans, strategies, and standards on risk education, including by enhancing national capacities to lead needs assessments, strategic planning processes, and quality management.<sup>21</sup>

In addition, information on risk education activities has often been missing from APMBC Article 7 transparency reports, updates by States Parties at APMBC meetings and Article 5 extension requests,<sup>22</sup> making it difficult to gauge progress in affected States and assess the needs for strengthened efforts in this area.<sup>23</sup>

Both risk education and victim assistance remain underfunded,<sup>24</sup> with States with mine victims also reporting a lack of sufficient capacity, including resources and technical knowledge, to “continuously make tangible progress to enable inclusive and accessible services for mine victims and other persons with disabilities”.<sup>25</sup> Even if Article 5 completion were reached in every affected State Party, the long-term needs of victims, including continued medical and psychological care, as well as support for the socio-economic reinsertion of survivors and their families, would still remain an imperative – a fact that is obscured by the emphasis on clearance completion.

## Setting a solid framework for action

The OAP provided a detailed road map to guide APMBC implementation efforts from 2019 to 2024, comprising 50 actions grouped under eight thematic sections. Compared to the previous Maputo Action Plan (2014), the OAP included a section on “Best practices for implementing the Convention” addressing basic approaches and/or cross-cutting elements with related actions, including on national ownership, strategic planning, gender and diversity mainstreaming, information management, and transparency. The OAP also separated actions on mine risk education and reduction from those on clearance (renamed “survey and clearance”, in line with the land release approach), and included more detailed provisions on gender and diversity under four different sections.<sup>26</sup> Finally, the OAP was the first action plan to be supplemented by a monitoring framework of 81 indicators to measure progress and identify gaps in implementation.

Discussions conducted so far in formal and informal APMBC meetings indicate general agreement to build on the OAP for the new action plan, maintaining its fundamental structure and the monitoring framework. For the Siem Reap-Angkor Action Plan to provide a solid and measurable road map, two elements appear especially relevant:

- ▶ **First**, while being updated to reflect the latest normative and operational developments (e.g. in the International Mine Action Standards) and to integrate missing references (e.g. on climate and environmental considerations), the document will need to remain as simple and succinct as possible. This will ensure that commitments are clear and reporting is feasible.
- ▶ **Second**, the list of indicators should be simplified and reduced, based on the principles of utility, feasibility, and relevance. This will be important to ensure effective monitoring while not overburdening States, which will remain primarily tasked with providing the necessary information through their Article 7 reports.

## CONCLUSION

After the excitement of negotiations, treaty implementation is a slow and sometimes painstaking endeavour that requires consistent attention, dedication and resources. In a worsening security environment, where international law and multilateralism are increasingly under pressure, the Siem Reap-Angkor Summit on a Mine-Free World presents the opportunity to remind the international community of the fundamental reasons why the APMBC was adopted, hopefully reigniting the momentum in support of its full implementation.

*This series was conceived by Dr. Silvia Cattaneo, who also authored this first issue brief.*

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### Endnotes

- 1 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (also known as the Ottawa Treaty or Mine Ban Treaty).
- 2 In addition to the Convention's 164 States Parties, 9 of the 33 States not party have reported having in place moratoria against the use, production, export and/or import of APMs. Amongst other elements, this underscores the broad acceptance of the anti-personnel mine ban. See *Draft Review of the operation and status of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction: 2019–2024*, 3 June 2024, paras. 7–9.
- 3 International Campaign to Ban Landmines (ICBL), *Landmine Monitor 2023*, p. 23. The ICBL estimates that, "at some point in the past", more than 50 states produced anti-personnel landmines.
- 4 For an estimated total of less than 50 million APMs globally: *Landmine Monitor 2023*, p. 26. The *Landmine Monitor 1999* estimated global stocks of more than 250 million APMs held by 108 countries (p. 8).
- 5 *Landmine Monitor*, editions 2020 to 2023.
- 6 *Draft Review*, cit., para. 12.
- 7 *Ibid.*, para. 121. Investigations on the allegations in Sudan and Yemen have been hampered by security issues, as the areas where the incidents took place are currently outside the effective control of the two States.
- 8 *Landmine Monitor*, editions 2020 to 2023.
- 9 *Draft Review*, cit., para. 12.
- 10 *Ibid.*, para. 113.
- 11 Petrova, Margarita H., "Banning Obsolete Weapons or Reshaping Perceptions of Military Utility: Discursive Dynamics in Weapons Prohibitions", Institut Barcelona d'Estudis Internacionals (IBEI), *JSTOR*, (2010).
- 12 Price, Richard. "Reversing the Gun Sights: Transnational Civil Society Targets Landmines." *International Organization*, 52 (3): 613–644; Hubert, Don, "The Landmine Ban: A Case Study in Humanitarian Advocacy", Occasional Paper #42, The Thomas J. Watson Jr. Institute for International Studies, 2000.
- 13 For the GICHD, a global agenda is "a political plan of action or a shared objective agreed at an international level", such as the 2030 Agenda for Sustainable Development, the Agenda for Disarmament, and the Women, Peace and Security Agenda.
- 14 The GICHD has contributed to this development with a landmark study – *Leaving No One Behind: Mine Action and the Sustainable Development Goals*, jointly published with UNDP, and a series of case studies providing evidence-based overviews of the enabling role of mine action towards the 2030 Agenda, the SDGs and related targets in eight countries (Angola, Bosnia and Herzegovina, Cambodia, Colombia, Iraq, Jordan, Somalia, and South Sudan).
- 15 OAP, Action #1. Since 2019, this integration has been reported by 29 States Parties with Article 5 and/or victim assistance obligations: *Draft Review*, cit., para. 135.
- 16 OAP, Action #6. Since the Fourth Review Conference, 31 States Parties have reported progress in this regard: *Draft Review*, cit., para. 137.
- 17 In Action 27, para. 45(f) of the current draft, States commit to "Redouble [their] efforts to achieve universality and implement [their] respective obligations under relevant international instruments to prohibit or restrict weapons due to their humanitarian impact and take steps to promote all aspects of mine action".
- 18 For an overview of the relationship between explosive ordnance contamination and human rights, see Universal Rights Group, *Harnessing Human Rights towards a Mine-Free World: Restoring Victims' Rights, Promoting Sustainable Development and Peace*, June 2024.
- 19 *Draft Review*, cit., para. 56.
- 20 Central elements in this process have been the review of the International Mine Action Standard on explosive ordnance risk education (IMAS 12.10) and the development of the Technical Note for Mine Action on risk education for improvised explosive devices (TNMA 12.10/01). Other examples include the development of digital EORE projects, the increased use of social and behaviour change methodologies, and the launch of an EORE e-learning course.
- 21 This is one of the findings of a global EORE mapping that the GICHD will launch in September 2024.
- 22 OAP Action #24 commits States to include "detailed, costed and multi-year plans for context-specific mine risk education and reduction in affected communities" in Article 5 extension requests.
- 23 This is also recognized in the *Draft Review*, cit., para. 75.
- 24 As documented in successive *Landmine Monitor* reports.
- 25 *Draft Review*, cit., para. 93.
- 26 Best practices; mine risk education; victim assistance; international cooperation and assistance.

The GICHD works to reduce risks to communities stemming from explosive ordnance, with a focus on landmines, cluster munitions, explosive remnants of war, and unsafely and insecurely managed conventional ammunition. As an internationally recognized centre of expertise and knowledge, the GICHD helps national authorities, international and regional organisations, NGOs and operators in around 40 affected countries and territories to develop and professionalize mine action and ammunition management.

Through its work, the GICHD strives for the fulfilment of international obligations, for national targets to be reached, and communities' protection from and resilience to explosive harm to be enhanced. These efforts support sustainable livelihoods, gender equality and inclusion. They save lives, facilitate the safe return of displaced populations, and promote peace and sustainable development.

