

Annex 4 – Anti Personnel Mine Ban Convention

What does the Convention ban or prohibit?

The Convention bans the use, production, development, acquisition and transfer of anti-personnel mines. The Convention defines “anti-personnel mine” as a munition designed to be placed under, on or near the ground or other surface area, to be exploded by the presence, proximity or contact of a person, and which will injure or kill one or more persons.

The Convention does not ban mines other than anti-personnel mines. For example, it does not ban mines that are exploded by the presence, proximity or contact of a vehicle (e.g., anti-tank mines) and does not ban anti-personnel munitions that are command-detonated.

The Convention prohibits States Parties from assisting, encouraging or inducing anyone to engage in any activity prohibited by the Convention. This is a particularly relevant matter with respect to the interoperability of States Parties and States not Parties in military alliances.

What does the Convention require with respect to stockpiled mines and mined areas?

The Convention requires each State Party to destroy stockpiled anti-personnel mines within four years of the entry into force of the Convention for that State. States Parties may retain an amount of mines that “shall not exceed the minimum number absolutely necessary” for “the development of and training in mine detection, mine clearance, or mine destruction techniques.” Many States Parties have decided to retain no mines.

The Convention requires each States Party to clear all areas under its jurisdiction or control which contain anti-personnel mines “as soon as possible and not later than ten years after entry into force of the Convention” for that State Party.

Does the Convention provide for assistance in implementation, in monitoring implementation and in ensuring compliance?

The Convention provides each States Party with the right to seek and receive assistance in fulfilling its

obligations under the Convention. It also requires each State Party “in a position to do so” to provide assistance.

The Convention requires each State Party to provide an annual transparency report on matters such as stockpiled anti-personnel mines and the status of programs for destroying stockpiled mines, and mined areas.

The Convention encourages States Parties to work together in a spirit of cooperation to facilitate compliance.

In addition to destroying stockpiled mines, clearing mined areas and submitting an annual transparency report, what other actions must States Parties take?

The Convention requires each State Party to take “all appropriate legal, administrative and other measures” to prevent and suppress any activity prohibited by the Convention which are undertaken by persons or on the territory under the jurisdiction and control of that State Party.

Does the Convention propose a schedule of meetings? What about the costs for these meetings?

The Convention states that there shall be annual meetings of the States Parties until the first Review Conference and that this Review Conference shall take place five years after entry into force. Given that the Convention entered into force in 1999, the Review Conference will be held in 2004. Costs related to these meetings are borne by States that participate in these them in accordance with the United Nations scale of assessment adjusted accordingly. That is, only States participating in the meetings of the Convention pay for them and the costs assumed by participating States are consistent with their ability to pay.

Can States still sign the Convention? How do States formally accept the obligations of the Convention?

The Convention was open for signature from December 3, 1997 until its entry into force on March 1, 1999. During that period, 133 States signed the Convention. The Convention is subject to ratification by these signatories. Instruments of ratification or accession must be deposited with the UN Secretary General through the Treaty Section of the UN Department for Disarmament Affairs in New York. As of December 2008 156 States had formally accepted the terms of the Convention through ratification.