

(Non-paper) submitted by Portugal and Spain co-sponsored by Colombia, México and Peru on the subject of the **Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction**

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The Third Review Conference of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction in Maputo should allow States Parties and civil society to engage further in our common determination to put an end to the suffering and casualties caused by anti-personnel mines. This engagement should also concern fostering synergies between agreements of similar nature in those areas where there are shared common and universal principles, namely in line with principles of Humanitarian Law, as referred to in the Preamble of the Convention.

If we take a glance into the past, we will agree that the history of the Convention yields a very positive balance. From its entry into force in 1999 and the adoption of two Action Plans at former Review Conferences, the Ottawa Convention has proven to be a solid and effective instrument, an appropriate legal framework for the elimination of these abominable weapons. Equally, it is a moral standard that reaches beyond the increasingly numerous community of States Parties, 161 at present.

However, we have also witnessed some challenges, and tasks pending in areas such as universalisation, cooperation and assistance, as well as in its synergies with instruments of similar nature.

The purpose of this document is to identify synergies between different texts that may be consolidated in concrete actions with a higher cost-effectiveness. It is also intended to produce a strategic analysis examining the strengths of the Ottawa Convention, taking notice of its challenges and identifying the opportunities that give it the momentum to stay on its course.

1. The Ottawa Convention: strong points and achievements

The Ottawa Convention has proven to be a reference at the multilateral stage in several aspects:

- *Effective combination of the humanitarian dimension with the disarmament perspective:* the Ottawa Convention is the first example of the kind and had a very positive replication in the Convention on Cluster Munitions.
- *Exemplary in its decisive thrust on Action,* as seen in the adoption of the Cartagena Action Plan, with 66 Actions covering all areas of the Convention.
- *A model regime for interaction amongst civil society, international organisations and States:* the role of civil society has acquired increasing importance in the implementation and support of the Ottawa Convention in the Cartagena Action Plan (action 62).

- *Prominent importance of the operational provisions¹:*
 - ✓ *Important boost of stockpile destruction:* More than 47 million stockpiled antipersonnel mines, including more than 250,000 anti-vehicle mines, have been destroyed up to 2012.
 - ✓ *Significant progress in clearing contaminated areas:* almost all the States Parties (SP) who have reported on contaminated areas have already taken measures, have ongoing clearing processes or have cleared their territories.
 - ✓ *Victim awareness and assistance:* most of the States Parties have already taken practical measures in this regard, from the most basic measures such as establishing focal points to those more complex such as the running of assistance programmes.
 - ✓ *Flexibility and effectiveness of international cooperation:* inter organizations cooperation could be of added value in the order to make aid more profitable for the beneficiaries. Complementarities should be a target.

2. Main midterm challenges for the Ottawa Convention

The midterm challenges facing the Ottawa Convention can be grouped into two categories: universality, and implementation/organisation:

- *Limits to the universalisation process*
 - ✓ The number of States that have joined the Ottawa Convention is more than 80% of the UN Member States². However, we still do not find the major producers of Anti-Personnel Mines among States Parties.
 - ✓ Some States that still have not ratified the Convention share the same humanitarian principles of the Convention, but are not in a position to accede it because of a different approach to national security and military doctrine.
 - ✓ The main challenge of the Ottawa Convention besides its universalisation process, as a group of States of certain considerable weight in the international community remains outside the regime, is to ensure adequate means on victim assistance in the long run.
- *Implementation and Organisation*
 - ✓ The Ottawa Convention shares the humanitarian principles with those of the CCM and the Certain Conventional Weapons Convention. Nevertheless, the different sovereign positions of some countries regarding issues of military security in each agreement entails a different configuration of the set of States Parties present in each of these conventions. The main consequence is the hindrance to optimisation of resources produced by the relative scattering of humanitarian aid and international cooperation.

¹ Data from the report Landmine Monitor 2013 and The Geneva Progress Report 2012-2013: Achieving the aims of the Cartagena Action Plan

² A total of 161 States are Parties to the Ottawa Convention.

- ✓ Obstacles to arranging synergies with conventions and instruments of similar nature, such as the Cluster Munitions Convention or the Convention on the Rights of Persons with Disabilities, must be circumvented. Despite this goal, it must be noted that each convention has its own range of States Parties and there is notorious reticence expressed by some of them regarding the possible establishment of synergies that could carry obligations in other security aspects. Action 65 of the Cartagena Action Plan highlights this relevant aspect that goes beyond disarmament.
- ✓ The role of regional and sub-regional organizations could be galvanized for the purposes of Ottawa Convention, especially in cases of border contamination.

3. Opportunities for boosting the progress and implementation of the Ottawa Convention

For strategic reasons, we could prioritise these points within the future Maputo Plan framework. Amongst these points of action, the following can be considered:

- *Foster synergies between agreements of similar nature in those areas where there are shared common and universal principles. This would involve:*
 - ✓ Improving partnership dynamics between civil society, international organisations and States Parties, reducing the scattering of financial, human and technological efforts amongst agreements with like humanitarian principles and objectives.
 - ✓ Focusing efforts of States Parties, placing priority on those areas where there is a consensus and therefore ample room for advancement: support the building of national capabilities, the creation of national legislation, assisting national reporting, and mine risk education.
- *Improve the innovative Ottawa Convention scope of action in humanitarian aspects*
 - ✓ To ensure progress effectiveness in reaching humanitarian objectives that are common to all of these multilateral instruments. Training medical personnel to deal with permanent injuries related to anti-personnel mines (both physical and psychological) could be reinforced.
 - ✓ To create conditions for the sustainability of the projects with the involvement of competent national authorities, It is recognized that in many case the support to the victims is a life-long one which is not compatible with the usual limited in time framework of projects.
- *Promote dialogue and cooperation with States that have not signed the Convention, in humanitarian areas and assistance to third parties*
 - ✓ To create common ground that will facilitate their future adhesion to this instrument, as far as we all share the humanitarian universal principles of the Ottawa Convention.

4. Conclusion

Taking into account the similar humanitarian approach between the Ottawa Convention and the CCM, the renewal of action 65 of the Cartagena Action Plan deserves full support and it could even be complemented with specific references to which legal instruments it could be applicable to. Moreover it should not be excluded that contaminated areas with anti-personnel mines or cluster munitions might, in some cases be the same, which means that clearing efforts could be better exercised if synergies were promoted between actors, as well as between the Ottawa Convention and the Convention on Cluster Munitions.