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CHALLENGES IN THE FIGHT
AGAINST ANTI-PERSONNEL MINES**

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MAPUTO +15: ACHIEVEMENTS AND CHALLENGES IN THE FIGHT AGAINST ANTI-PERSONNEL MINES

Abstract:

The Third Review Conference of the Anti-Personnel Mine Ban Convention will be held from the 23rd to 27th June 2014. The gains achieved along the past 15 years, since the Convention entered into force will be of the issues to be addressed in the conference, which also called Maputo +15. However, new challenges will be addressed as well, such as the lack of universality, the need to promote victim assistance, the use of anti-personnel mines in recent conflicts or the acquisition and use of such weapons by non-state actors.

Keywords:

Maputo +15, anti-personnel mines, IHL.

MONZAMBIQUE AS AN EXAPLE OF ACTION AGAINST ANTI-PERSONNEL LANDMINES

The Third Review Conference of the Anti-personnel Mine Ban Convention will be held from the 23rd to 27th June 2014 in Maputo (Mozambique).¹ Fifteen years have elapsed since the first conference, precisely in Mozambique as well. And this return to the origin is not by chance, because this country represents a model for action against anti-personnel landmines.

Mozambique has suffered one of the greatest tragedies ever for more than thirty years, due to the widespread and unlocalized presence of anti-personnel mines throughout its territory. This is a legacy from the conflicts that have been taking place since its war for independence (1964-75) until its civil war from 1980 until 1992. This is also a serious problem for its development and for the security of its population.



Source: <http://www.halotrust.org>

When Mozambique ratified the Convention in 1998, the demining process and the clean-up of its territory seemed an unreachable goal on the ten-year horizon that was set in the convention itself. It was argued that it would take decades to eliminate the presence of mines within the Mozambican territory. With the assistance of the international community, Mozambique began what was believed to be a difficult and slow process. After those ten years, and despite the materials employed, the problem was of such magnitude that in 2008 Mozambique requested a five-year extension of the deadline.

¹ <http://www.maputoreviewconference.org>

To date, it seems that the objectives are going to be accomplished and that the clean-up process of the last mined zone, close to its border with Zimbabwe, will probably be finished by the end of 2014. Mozambique could then be declared "free of mines"². Nevertheless, some events could occur that could delay this desired situation. One of those events could be a peak of violence from the Renamo opposition group (Mozambican National Resistance).

Lessons learned from mine-free Mozambique

The process of mining decontamination in Mozambique is taking almost as long as its civil war. From this long process, the following conclusions can be drawn:

- The problem of the presence of anti-personnel mines persists once conflicts have ended.
- Demining does not finish with the clean-up process. Its action should extend to victim assistance, providing adequate health and social services. It is important that victims take part in the decision-making process and in the design of policies affecting them.
- The only way to address the problem is through international collaboration.



<http://www.halotrust.org>

Moreover, the success of the demining process done in Mozambique should serve as an example to other States Parties to the Convention that still have mines within their territories. Firstly, because, from the very beginning, the action against anti-personnel mines has been considered a national issue and has stimulated an adequate planning of all the government institutions involved in the process. Secondly, because the costs of demining are included within the government budget and transparency is promoted, along with an adequate channeling of funds coming from other countries and organizations. Thirdly,

² http://www.maputoreviewconference.org/fileadmin/user_upload/Maputo_Review_Conference_on_a_Mine-Free_World_Final_Programme.pdf

because it has been proven that precise information on the location and extension of the affected area together with a detailed analysis of the problem are the key for the adequate planning of demining, both in terms of technical and economic means.³

On the other hand, once the process of mine clearance has finished in Mozambique, more attention will need to be paid to victim assistance. This is because until today, only 5 % of the funds intended for the fight against anti-personnel mines are used for victim assistance. Around 86 % of those individuals wounded by anti-personnel mines do not have access to employment in Mozambique and over 96 % do not benefit from adequate disability services close to their communities. The demining process should not finish just with the cleanup of the land in order to achieve free movement of persons and goods, but it should also go in hand with fostering economic and social development within the country and encouraging investment in infrastructure.⁴

ACHIEVEMENTS AND CHALLENGES FOR THE ANTI-PERSONNEL MINE BAN

The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction entered into force in 1999. This convention may be regarded as a civil society success aimed to achieve the elimination of these weapons that violate international humanitarian law.

It is indeed a success because the convention is the outcome of an awareness campaign directed to the society in general about the dangers of anti-personnel mines for civil society and about the establishment of an international agreement for its ban. Initiated by the Canadian government in 1996, the campaign was led by the International Committee of the Red Cross, Red Cross and Red Crescent national societies and the International Campaign to Ban Landmines (ICBL).⁵ This diplomatic awareness campaign, known as the Ottawa process, culminated in the signing of the Convention in 1997. The main obligations that the Convention covers are the following:

- Each State Party undertakes never under any circumstances to develop, use, transfer or stockpile anti-personnel mines.
- Each State Party undertakes to destroy all anti-personnel mines within a four-year period after the Convention enters into force.
- Each State Party undertakes to ensure the destruction of all anti-personnel mines in mined areas not later than ten years.
- Each State Party shall provide assistance to mine victims.

³ <http://www.gichd.org/fileadmin/GICHD/topics/strategic-mgmt/strategic-plan/Strategic-Mozambique-CaseStudy-Nov2013.pdf>

⁴ Ibid

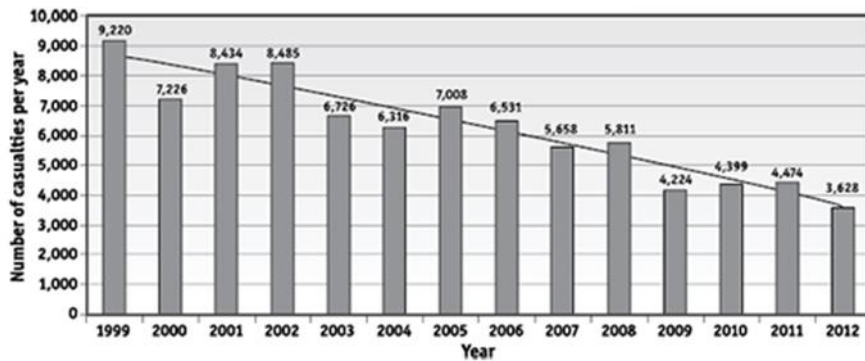
⁵ This organization was awarded with the Nobel Peace Price in 1997.

The fifteen years that have elapsed since its entry into force are sufficient time to evaluate achievements and future challenges. This is the goal of the Third Review Conference that will be held in Maputo.

Achievements of the Convention

The first achievement of the Convention is the increase in number of countries that have ratified it. In 1999 they were only 55 and 18 of them were African. In 2014 there are 161 States Parties, which represent almost 80 % of the world. These 161 countries include the majority of States that have used, stockpiled, produced or transferred anti-personnel mines, as well as the majority of those mine-affected States.

Other quantifiable achievements are: the decline in number of victims since its entry into force, the increase in the number of decontaminated zones and the increase in funds intended for demining and victims support.



Source: Landmine monitor 2013

Over the last decade, the total decontaminated surface reached almost 2000 km² and the number of mines eliminated represented 3.3 million. In 2012 around 281 km² of land (47 % more than in 2011) were cleaned-up, whereas 240,000 anti-personnel and 9,300 anti-tank mines were destroyed. The main efforts were made in Afghanistan, Cambodia, Croatia and Sri Lanka.⁶

To these figures should be added the tasks related to battlefield area clearance, where unlike the previous figures, the area cleaned in 2012 is smaller than in 2011, 233 km² compared to 167 km². Among those areas one must mention Laos, Afghanistan, Iraq, Azerbaijan, Nagorno-Karabakh, Sri Lanka and Cambodia.

The Convention is also a disarmament agreement. Since the Convention entered into force, States Parties have destroyed 47 million anti-personnel mines, although there are still 11

⁶ LandMonitor 2003.

million left.⁷ In the case of Spain, the destruction of its declared stockpile, which is around one million mines, was destroyed between 1998 and 2002.⁸

In 2012, the financial aid targeted on solving problems associated to anti-personnel mines increased up to 681 million dollars and 184 of them were provided by 28 mine-affected States and the rest, 80 % was provided by a few donors, like the United States, the EU, Japan, Norway, the Netherlands, Australia, Germany and the United Kingdom.⁹

Regarding production, since the Convention entered into force, the number of mine producing countries has declined from 50 to 12. China, Cuba, the United States, India, Iran, Myanmar, North Korea, Pakistan, Russia, Singapore, South Korea and Vietnam have the required capacity to produce mines nowadays. Most of them have halted production, although they reserve the right to produce them. Moreover, many of them signed a moratorium on its exploitation, like China, India, Israel, Kazakhstan, Pakistan, Russia, Singapore, South Korea and the United States. Poland was also included, although the country finally ratified the convention at the end of 2012. Other countries such as Cuba, Egypt and Vietnam have declared that they have not halted their exportation. India, Myanmar, Pakistan and South Korea continue with their production.

Challenges

Today anti-personnel mines continue to pose a serious threat to the population of the States Parties and there are many risks still associated to mines and explosive remnants, especially to civilians and particularly to children. In 2012, 3628 victims were registered: 78 % were civilians, 18 % Security Forces and 4 % individuals involved in demining tasks. 1066 of the total number of victims were fatalities. Regarding the gender of the victims, 87 % of the victims registered in 2012 were male.

It is estimated that non-signatory countries possess a stockpile of around 160 million of anti-personnel mines.¹⁰ Most of them argue that they keep the stockpile for the training of their armed forces. The countries with the biggest anti-personnel mine arsenals include: China with 110 million, Russia with 24.5 million, the United States with 10 million (in 2002), Pakistan (6 million) and India with 4-5 million.¹¹

As regards signatories, there are three countries that have not accomplished their goal of mine destruction within provided deadlines, citing economic reasons. These are Greece, Ukraine and Belarus.

⁷ Landmine Monitor 2013

⁸ Spain assumed this responsibility under the Law 33/1998 of 5 October 1998.

⁹ Landmine monitor 2013

¹⁰ These figures are approximate, as it is not possible to verify them.

¹¹ Land monitor 2013

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Source: <http://www.apminebanconvention.org>

Number of mines to be destroyed within States Parties:	
Ukraine	5,767,600
Belarus	3,356,636
Greece	953,285
Finland:	809,308
Poland	13,585
Côte d'Ivoire	1,526

Source: **Landmine Monitor 2013**

Another challenge that persists in relation to anti-personnel mines is the distress that emerges from the loss of control of the mine location. Some frequent occurrences, as torrential rains, could change the location of buried mines, making them completely unlocalized. This was the reason for the border closure between Chile and Peru in February 2012, motivated by the danger that entailed the movement of twelve thousand mines located 800 meters away from the border in the mid-seventies.¹² The most recent case took place in Bosnia, where the May floods could have unearthed more than 120,000 mines that were placed there during the Balkan wars (1992-1995).¹³

Finally, the use of mines by some insurgent groups poses a new threat for the Convention. These groups can acquire them illegally accessing to stockpiles. They also have the capacity to manufacture improvised explosive devices (IEDs) with similar functionality to anti-personnel mines, although the former are manually manufactured.

MAPUTO PLAN OF ACTION 2014-2015

One of the goals of the Third Review Conference, as on previous occasions, has been to establish a Plan of Action for the next five years. This plan, called "Maputo Plan of Action" (Maputo PoA), is focused on eight points: universalization, mine clearance, victim assistance, international cooperation, transparency and the exchange of information, measures to

¹²<http://peru.com/2012/02/20/actualidad/politicas/chile-cierra-frontera-peru-minas-antipersonales-noticia-43255>

¹³<http://www.europapress.es/internacional/noticia-inundaciones-podrian-desenterrar-mas-120000-minas-quedan-aun-guerra-bosnia-20140519141410.html>

ensure compliance by States Parties and implementation support.

As it is usual in disarmament treaties, one of the main goals, which may also maybe the most difficult to reach, is to achieve a universality that involves the international community as a whole. In the case of anti-personnel mines, 161 states have ratified the Convention. However, there are significant absences, like China, India, Korea, Pakistan, Russia and the United States.

With respect to the United States, the Obama administration commenced a review of the US policy on anti-personnel mines in 2009, opening a possibility to ratify the Convention. The United States is one of the major donors of funds for demining and mine victims. Moreover, the country committed itself not to manufacture them and signed a moratorium regarding their exportation. These actions show a clear commitment that might be strengthened with the country's adherence to the Convention. By doing this, other countries could be also encouraged to sign as well.

In other cases, adherence to the Convention seems much more difficult to reach. Nowadays mines are still being used in some conflicts both by state forces and insurgent groups. This is evidenced by the use of mines by government troops in Syria and Myanmar.¹⁴ None of them are States Parties of the Convention. In the case of Syria, there are reports on the use of anti-personnel mines by government troops in the borders with Lebanon and Turkey. In the village Kharbit al-Jouz, Syrian forces emplaced up to 200 PMN-2 anti-personnel mines. In the Syrian town of Qusair, near the Lebanon border, mines were also used to impede the flight of civilians.¹⁵ Recently, Russia has emplaced mines along its border with Ukraine.¹⁶

CONCLUSION

The use of anti-personnel mines represents a serious violation of international humanitarian law. Population awareness and the existence of a convention that bans its use, production and transfer have largely contributed to reduce the problem, even in those non-signatory countries. In Maputo we can talk in terms of success, but we should also talk about challenges.

The convention is not universal and this leads some non-signatory countries to keep using them. On the other hand, some stockpiles of mines remain to be destroyed in States Parties, which due to economic reasons cannot continue the process. The governments of those countries should conceive this fact as a bounden duty towards their citizens and not just a mere fulfillment of objectives set by the Convention. The involvement of all government institutions and the establishing of specific legislation at the national level are two key factors of success.

¹⁴ Landmine Monitor 2013 Myanmar/Burma Country Report

¹⁵ <http://www.hrw.org/news/2012/03/13/syria-army-planting-banned-landmines>

¹⁶ <http://www.themoscowtimes.com/news/article/ukraine-accuses-russia-of-using-land-mines/502457.html>

Another necessary factor is the promotion of victim assistance as the capping stone of the demining tasks. Finally, victims should also participate in the designing and in the process of establishing policies that reflect the rights of handicapped persons.

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