Kenya Hosts the First Review Conference on Landmines

Kenya has been chosen to host the First Review Conference of the Convention on the Prohibition of the Use, Stockpiling, Production, and Transfer of Anti-Personnel Mines and On Their Destruction (Mine Ban Treaty). It will take place from 29 November – 3 December 2004. The United Nations Secretary-General, Kofi Annan, and heads of state will attend the “Nairobi Summit 2004 on a Mine-Free World”.

Launching the organising committee for the summit in Nairobi, the Kenyan Foreign Affairs Minister, Kalonzo Musyoka, reiterated Kenya’s commitment to eradicate mines. “We will host the summit as a gesture of solidarity with the people in countries affected by mines worldwide.”

The successful negotiation of the Mine Ban Treaty (MBT) was acclaimed by Annan as “a landmark step in the history of disarmament” and “a historic victory for the weak and vulnerable of our world.” It was developed and agreed upon during a period of a year and signed by 122 nations in Ottawa, Canada on 3 December 1997. The Treaty entered into force on 1 March 1999 after Burkina Faso became the fortieth country to ratify it on 16 September 1998. It is now a binding international law and considered “a remarkable achievement.”

As of March 2004, a total of 141 countries are States Parties to the Mine Ban Treaty. Of these 50 are in Africa. Only Morocco (a suspended member of the AU), Libya and Egypt remain totally outside of the Treaty. Only Ethiopia has not ratified the Treaty although it has signed it. As far as can be determined, mine-affected Egypt is the only African country that continues to produce anti-personnel landmines.

Africa played a crucial role in the negotiations of the Convention and today is the continent with the most state parties. Africa’s pivotal role can be ascribed to the fact that it is regarded as the most heavily affected continent in terms of mined areas and victims. Landmine and unexploded ordnance (UXO) affected countries and areas in Africa include: Algeria, Angola, Burundi, Chad, Democratic Republic of the Congo, Djibouti, Egypt, Eritrea, Ethiopia, Guinea-Bissau, Kenya, Liberia, Libya, Malawi, Mauritania, Morocco, Mozambique, Namibia, Niger, Republic of Congo, Rwanda, Senegal, Sierra Leone, Somalia, Somaliland, Sudan, Swaziland, Syria, Tunisia, Uganda, Western Sahara, Zambia and Zimbabwe. During the last few years, landmine/UXO casualties were reported in the following African countries or areas: Algeria, Angola, Burundi, Chad, DR Congo, Egypt, Eritrea, Ethiopia, Guinea-Bissau, Kenya, Mauritania, Mozambique, Namibia, Republic of the Congo, Rwanda, Senegal, Somalia, Somaliland, Sudan, Tunisia, Uganda, Western Sahara and Zimbabwe.

The continent was also the venue for the first meeting of states party to the Mine Ban Treaty when Mozambique hosted the First Meeting of States Parties (FMSP), in Maputo from 3-7 May 1999. Governments from 108 countries, in addition to large numbers of international and non-governmental organizations, attended the meeting.

Kenya is well placed to host the First Review Conference. It signed the Mine Ban Treaty on 5 December 1997 and ratified it on 23 January 2001. It entered into force for Kenya on 1 July 2001. Kenya has not produced or exported landmines. The country is mainly contaminated with unexploded ordnance (UXO). Kenya is currently, together with the British government, involved in clearance operations. Kenya has destroyed its entire stock of anti-personnel mines two years ahead of its own deadline. The country had set 1 July 2005 as the date by which it intended to have destroyed all its mine stockpiles. It completed the destruction of 35,774 mines stock in August 2003. The country has retained 3,000 mines as allowed under Article 3 of the treaty.

The need to stem the proliferation of landmines is also central to the Peace and Security agenda of the New Partnership for Africa’s
Development (NEPAD). Endorsed by all African leaders at the Organization of African Unity (now the African Union) summit on 11 July 2001, NEPAD recognises that combating the illicit proliferation of small arms, light weapons and landmines is one of the important pre-conditions needed to place African countries, both individually and collectively, on a path of sustainable growth and development.

The Review Conference will, amongst other things, study progress made in implementing the provisions of the Convention, including "the destruction of all anti-personnel mines in mined areas"; "providing assistance for the care and rehabilitation, and social and economic reintegration, of mine victims and for mine awareness programs"; "take all appropriate legal, administrative and other measures, including the imposition of penal sanctions, to prevent and suppress any activity prohibited to a State Party under the Convention".

State Parties have also agreed to never under any circumstances:

- Use anti-personnel mines;
- Develop, produce, otherwise acquire, stockpile, retain or transfer to anyone, directly or indirectly, anti-personnel mines;
- Assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party under the Convention.

Adherence by states to these general obligations will also come under scrutiny by other states and civil society organizations.

According to the International Campaign to Ban Landmines (ICBL), the humanitarian and legal challenge facing the international community remains huge despite major progress in the implementation of this unique global convention. Forty-four countries have not yet joined the Treaty including China, Russia, the USA, Israel, India, Pakistan, both Koreas, Iraq and Iran. 11

An ambitious aspect of the Mine Ban Treaty was the setting of targets for mine clearance. The year 2009 was set as the date by which most of the world’s minefields should be cleared. The International Committee of the Red Cross (ICRC) believes that "the deadline has to remain the goal even if we do not meet them 100 percent". The ICBL estimates that there are between 15,000 and 20,000 victims annually, 25 per cent of them children. There has however been a decline in casualties since the early 1990s when humanitarian mine action had only just started, and when the ICRC estimated the annual rate of death and injury to be at least 26,000.11

The year 2004 will be a major milestone in the life of the treaty. The 2004 Summit will chart the way forward for the Mine Ban Treaty’s full implementation and universalisation.

Endnotes
1 http://www.oasstandard.net/headlines/news020426.htm
2 Kofi Annan, Statement at the Signing Ceremony, Ottawa, Canada, 3 December 1997.
4 For the latest information on which countries have acceded to the Mine Ban Treaty, see http://www.icbl.org/ratification.
8 Article 3 states that the amount of retained mines shall not exceed the minimum number absolutely necessary. It allows State parties to retain or transfer a number of mines for development of, and training in, mine detection, mine clearance, or mine destruction techniques.
9 Article 5: Destruction of anti-personnel mines in mined areas.
10 Article 6: International cooperation and assistance.
11 Article 8: National implementation measures.
12 Article 8: National implementation measures.
13 The long road to a mine-free world,