

# CO-CHAIRS' SUMMARY RECORD OF THE ASEAN REGIONAL FORUM (ARF) SEMINAR ON ANTI-PERSONNEL MINES

**8 – 10 April 2008, Penang, Malaysia**

1. As endorsed by the 14<sup>th</sup> ASEAN Regional Forum in Manila on 2 August 2007, Malaysia and Germany, representing the European Union, hosted the ARF Seminar on Anti-Personnel Mines on 8-10 April 2008 in Penang, Malaysia. The objective of the Seminar, “Universalisation of the Ban on Anti-Personal Mines – Prospects and Challenges” was to encourage more countries to become parties to the 1997 Ottawa Convention, to contribute towards attaining the objectives and the implementation of the Convention, to share experiences on this issue and to establish contact points among the ARF on mine action.
2. The Seminar was co-chaired by Dr. Ismail Ahmad, Under-Secretary for Policy, Ministry of Defence, Malaysia and Mr. Burkhard Ducoffre, Desk Officer, Conventional Arms Control, Federal Foreign Office of the Federal Republic of Germany.
3. The Seminar was attended by representatives of ARF participating countries, namely Australia, Bangladesh, Brunei Darussalam, Cambodia, Canada, China, European Union, India, Indonesia, Japan, the Republic of Korea, Malaysia, New Zealand, Pakistan, Philippines, Singapore, Thailand and Viet Nam. The Seminar was also attended by the non-governmental organizations (NGOs) and institutions such as Geneva International Centre for Humanitarian Demining (GICHD), the International Campaign to Ban Landmines (ICBL), and the International Committee of the Red Cross (ICRC). The ARF Unit of the ASEAN Secretariat was also present. The list of delegates appears as **ANNEX 1**.

## **OPENING CEREMONY**

4. Dr. Ismail Ahmad, in his Opening Remarks, noted that this was the first time that a gathering of this nature was taking place under the ARF ambit. He highlighted that the seminar would provide an opportunity to discuss and have a better understanding of each other's position and pave the way for future cooperation. Destroying stockpiled anti-personnel landmines, clearing mined areas, assisting the victims, cooperation and assistance and national legislation were the key issues at the seminar.
5. Dr. Armin Kossler, Deputy Ambassador, Embassy of the Federal Republic of Germany in Kuala Lumpur in his Opening Remarks noted that the Germany Government has been involved actively in the anti-personnel mine ban movement and will stay committed to meeting its obligation in support of the universalisation and implementation of the Ottawa Convention. He welcomed the commitment of the 156 state parties to the Convention and to pursue its implementation including through the Nairobi Action Plan for 2005-2009.

6. H.E. Charles Henri Brosseau, Deputy Head of Mission, Embassy of the Republic of France in Kuala Lumpur, representing the EU Presidency, appealed to countries which have not yet acceded to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (Ottawa Convention), which embodies both humanitarian and disarmament objectives, to do as soon as possible and join in the efforts to permanently eliminate anti-personnel landmines.
7. The respective Opening Remarks appear as **ANNEX 2**.

## **GENERAL ISSUES**

### General Status and Implementation of the Anti-Personnel Mine Ban Convention

8. Mr. Andreas Strub, Coordinator, Office of the Personal Representative on Non-Proliferation in his presentation on 'EU Activities for the Universalisation of the Treaties, including the Land Mine Convention', noted that the Council of the EU's proposed specific Joint Action to support the universalisation and the full national implementation of the Ottawa Convention as well as to prepare subscribing states for the Review Conference in 2009. The presentation appears as **ANNEX 3**.
9. Ambassador Stefan Nellen, Director of the Geneva International Centre for Humanitarian Demining (GICHD), in his 'Overview on the Ottawa Convention, its Obligations and Status' highlighted the origins and development of the Convention. The Convention, which has the aims of universalizing prohibitions, clearing mined areas, destroying stockpiles and assisting the victims, currently has 156 state parties. The presentation also noted issues such as cooperation and assistance, transparency in implementation, compliance and implementation support. The status of the Nairobi Action Plan 2005-2009 was also stressed. The presentation appears as **ANNEX 4**.
10. The Seminar noted that the EU is ready to support mine action wherever it is needed and in this regard, the ARF can play an important role in constructive cooperation.

### Humanitarian Impact of Anti-Personnel Mines

11. Mr. Nicholas Nobbs, Delegate to Armed and Security Forces for South East Asia & Pacific, ICRC Kuala Lumpur, focused on the humanitarian impact including on the victims and families of victims and the community, the social and economic costs, its effect on post conflict reconstruction and on long-term development. Measures on awareness & education and solutions regarding humanitarian impact were also detailed. The presentation also looked at the relationship

between AP mines and the law of armed conflict/international humanitarian law and the role of the ICRC in this respect. The presentation appears as **ANNEX 5**.

12. Several countries briefed the Seminar on progress of national implementation of the Ottawa Convention in terms of stockpile destruction, victim assistance, and on mine risk education. The meeting noted that the measure of success of work in this area can be evidenced by recording fewer victims with an ultimate aim of achieving zero victims. The Seminar stressed that in order to achieve this, universal partnership between state parties and other stakeholders such as NGOs was critical.
13. The Seminar encouraged countries that have not become state parties to the Convention to do so. The involvement of non-state actors such former rebels groups in assisting mine clearing in some countries was noted. The Seminar also noted that apart from the Ottawa Convention, there was a basket of other instruments to be taken into consideration such as international humanitarian law and also the Convention on Certain Conventional Weapons (CCW) and its Protocol 2 in addressing this issue.

## **DESTROYING STOCKPILES**

### Experiences of States in Stockpiled Destruction

14. Col. Ahmad Nasir Hj Rahman, Commander, Royal Malaysian Army Engineer Field Comd HQ: Stockpiled Destruction: The Malaysian Experience, in his presentation said that Malaysia, a signatory to the Ottawa Convention, conducted its stockpile destruction, as mandated by Article 4 of the Convention, in January 2001. The presentation highlighted the conduct and operation of the stockpile destruction in the country including the types and quantities of anti-personnel mines, and the location and method for the destruction. The inspection and verification process and the safety procedures were also reviewed. The presentation appears as **ANNEX 6**.
15. Mr. Aji Surya, of the Directorate of Intra-regional Cooperation on Asia and Pacific Affairs, Department of Foreign Affairs of the Republic of Indonesia said that Indonesia, a State Party to the Convention, was currently preparing a time-table for stockpiled destruction. The destruction exercise is expected to be completed by August 2011. The presentation further highlighted the challenges faced in the destruction operation such as the lack of trained personnel and inadequate technology and the vast distances involved in the archipelagic nation. The presentation appears as **ANNEX 7**.
16. The Seminar acknowledged the vast experience of ARF participating countries in stockpiled destruction, victim assistance and the demining process pursuant to a peace process and called for this information to be shared with other countries especially with other State Parties to the Ottawa Convention. The role of private

sector in stockpiled destruction, where the state did not have the necessary resources, was also noted.

## **CLEARING MINED AREAS**

### Assisting Countries' Perspective

17. Mr. Burkhard Ducoffre, in his presentation on 'German Efforts Towards a World Free from the Impact of Landmines', provided information on the German contribution towards mine clearance operations and the beneficiaries of such funding. It was noted that the German contribution in this area was driven by humanitarian considerations. The presentation also detailed the criteria to receive German assistance such as the receiving country to be a State Party to the Ottawa Convention, perceptible efforts of the affected country and the provision of clearance of high priority areas only. The presentation appears as **ANNEX 8**.
18. Commander Udo Schmidt, in his presentation on 'Experiences of the German Army with Marking, Monitoring and Protection of Mined Areas', highlighted the differences between military and humanitarian demining, the mine clearing vehicles of the German Army and the future plans for a reliable detection system for mine clearance. The presentation appears as **ANNEX 9**.
19. Lt. Col. Martin Donoghue, in his presentation on 'Assistance to Mine Action - A New Zealand Defence Force (NZDF) Perspective', looked at the challenges for assistance in mine action including the standards and equipment required and the history of NZDF involvement in mine action. The presentation also reviewed future possibilities including the need for specific military skills. The presentation appears as **ANNEX 10**.

### Mined Countries' Perspective

20. Major-General Parinya, Deputy Director General of the Thailand Mine Action Centre, in his presentation highlighted the activities of the Centre including the Humanitarian Demining Training Centre, the Mine Risk Education Training Centre, and the Mine Detection Dog Training Centre. The presentation, which also looked at the procedure for mine field location, appears as **ANNEX 11**.
21. Lt. Col. Mam Neang, Deputy Director of the Training and Mine/UXO Clearance Centre of Cambodia, in his presentation on the 'Universalisation of the Ban on Anti-Personnel Mines Prospects', looked at the role of the Cambodian Mine Action Authority, its national mine action strategies and challenges. The role of the Royal Cambodian Armed Forces in mine clearance projects was also highlighted in the presentation which appears as **ANNEX 12**.

## **ASSISTING THE VICTIMS**

### Assisting Countries' Perspective

22. Lt. Col. (Dr.) Muhammad Fuad Daud from the Royal Malaysian Armed Forces detailed some of the patterns of injuries caused by anti-personnel mines and the three main components of assistance to victims, namely surgery, psychology and rehabilitation. He also highlighted Malaysia's expertise in conducting training for personnel involved in this area such as surgeons and prosthetic personnel and offer of advice and assistance in setting up a Post Trauma Center. The presentation appears as **ANNEX 13**.

### Recipient Countries' Perspective

23. Lt. Col. Mam Neang, in his presentation on "Cambodia's Experience in Mine Victim Assistance", noted the creation of supportive institutions such as the Veterans and Youth Rehabilitation and the Landmine Victim Assistance Steering Committee under the responsibility of Ministry of Social Affairs. These institutions assist the Cambodian Government in meeting its obligations to not only mine victims but also to people with disabilities. Additional provisions such as National Laws on the Rights of Victims have been explored. The presentation appears as **ANNEX 14**.

24. Mr. Nicholas Nobbs briefed the Seminar on the specific role accorded to the International Committee of the Red Cross in mine evacuation and recovery, especially on emergency and hospital care, war surgery seminars and training, and the ICRC's physical rehabilitation programmes and projects. The presentation appears as **ANNEX 15**.

25. The Seminar noted the importance of having a holistic and integrated approach/plan within an overall national health programme and to have all related agencies working together in assisting and supporting the victims of anti-personnel mines, both military and civilian.

## **COOPERATION AND ASSISTANCE**

### International and Regional Cooperation

26. Ambassador Stephan Nellan provided a general overview of the Geneva International Centre for Humanitarian Demining (GICHD) which highlighted the role, activities, operational assistance and products of the GICHD. The international mine action standards (IMAS) were also touched upon in the presentation which appears as **ANNEX 16**.

27. Ms. Laura Liguori, the EU Commission Representative, in her presentation highlighted the framework of the EU mine action policy and its implementation

including the tools available and the actors involved. Examples of cooperation and assistance offered by the EU as part of its international engagement in anti-personnel mine efforts were also noted. The presentation appears as **ANNEX 17**.

28. The Seminar was also briefed on the financial and technical assistance by several countries including their official development aid on international anti-personnel mine efforts. The need for an integrated approach to mine action efforts taking into account the development agenda was further noted.

## **UNIVERSALISATION OF THE ANTI-PERSONNEL MINE BAN**

### National Legislation

29. Ms. Fiona Barnaby, Legal Advisor, ICRC Kuala Lumpur, provided the legal, administrative and other measures to prevent and suppress prohibited activities, especially Article 9 on national measures of the Ottawa Convention. The presentation and an ICRC checklist on Article 9 appear as **ANNEX 18**.
30. Mr. Burkhard Ducoffre, highlighted the implementation of the Ottawa Convention obligations in Germany in his presentation on 'Cornerstones of an Effective National Legislation Implementing the Ottawa Convention: The German Experience'. The presentation, which looked at the requirements and implications of Article 9 of the Ottawa Convention and also the domestic penal provisions, appears as **ANNEX 19**.
31. Ms. Leisa Gibson, the Acting Mine Action Coordinator at AUSAID, presented on 'Australia's Universalisation Efforts in the Asian Region' which outlined its focused strategy on mine/ERW affected countries in the Asian region and stressed the importance of mine action to the Asia Pacific region. The presentation appears as **ANNEX 20**.
32. The Seminar also noted that the Ottawa Convention has an advantage over other related international instruments in that it also prohibits transfers to third parties such as armed non-state actors.

### Discussion Within and Contributions from the Audience

33. The Seminar gained much from a lively and fruitful discussion as well as from voluntary contributions from the participating delegations. There was a unanimous understanding of all participants that the seminar has fulfilled its objectives and opened up ways to continue the exchange of experiences initiated by this meeting.

## **CLOSING CEREMONY**

34. Malaysia and Germany, representing the European Union, jointly thanked the participants for their valuable contribution to the Seminar.

## **ACKNOWLEDGEMENTS**

The Seminar expressed its gratitude and appreciation to the people and Government of Malaysia as the host of the Seminar for the excellent arrangements made and the hospitality extended to all the participants. The participants also thanked Germany, representing the European Union for co-sponsoring the Workshop.

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