



# GENEVA CALL

APPEL DE GENÈVE LLAMAMIENTO DE GINEBRA

ENGAGING ARMED NON-STATE ACTORS IN A LANDMINE BAN



THE GENEVA CALL PROGRESS REPORT (2000-2007)



Cover Page, from left to right:

- Signing of the *Deed of Commitment* by an armed non-State actor (NSA), 2003.

*Photo Credit: Geneva Call.*

- Destruction of anti-personnel mines and unexploded ordnance by a signatory NSA, 2007.

*Photo Credit: Geneva Call.*

- Geneva Call inspecting military stockpiles belonging to a signatory NSA, 2007.

*Photo Credit: Geneva Call.*

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## ***LIST OF ACRONYMS***

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<b>ABSDF</b> - All Burma Students' Democratic Front	<b>MINURSO</b> - Mission des Nations Unies pour l'Organisation d'un Référendum au Sahara Occidental (United Nations Mission for the Referendum in Western Sahara)
<b>AFP</b> - Armed Forces of the Philippines	<b>MoU</b> - Memorandum of Understanding
<b>AP</b> - Anti-personnel mine	<b>MRE</b> - Mine Risk Education
<b>ARNO</b> - Arakan Rohingya National Organization	<b>NDF</b> - National Democratic Front
<b>ASNLF/GAM</b> - Aceh Sumatra National Liberation Front/Free Aceh Movement	<b>NGO</b> - Non-Governmental Organization
<b>AU</b> - African Union	<b>NPA</b> - Norwegian People's Aid
<b>AV</b> - Anti-vehicle mine	<b>NSA</b> - Armed Non-State Actor
<b>CCW</b> - Convention of Conventional Weapons	<b>NSCN-IM</b> - National Socialist Council of Nagalim (Isak-Muivah faction)
<b>CNDD/FDD</b> - Conseil National pour la Défense de la Démocratie/Forces de Défense de la Démocratie (National Council for the Defence of Democracy/Defence Forces of Democracy)	<b>NSMAD</b> - New Sudan Mine Action Directorate
<b>CNF/CNA</b> - Chin National Front/Chin National Army	<b>NUPA</b> - National United Party of Arakan
<b>CPN-M</b> - Communist Party of Nepal - Maoist	<b>OAS</b> - Organization of American States
<b>DAB</b> - Democratic Alliance of Burma	<b>OSCE</b> - Organization for Security and Cooperation in Europe
<b>DDG</b> - Danish Demining Group	<b>Palipehutu/FNL</b> - Parti pour la Libération du Peuple Hutu/Forces Nationales de Libération (Party for the Liberation of the Hutu People/National Liberation Forces)
<b>DND</b> - Department of National Defence	<b>PKK</b> - Partiya Karkerên Kurdistan (Kurdistan Workers' Party)
<b>DPIK</b> - Democratic Party of Iranian Kurdistan	<b>PMAC</b> - Puntland Mine Action Centre
<b>ELN</b> - Ejército de Liberación Nacional (National Liberation Army)	<b>Polisario Front</b> - Frente Popular de Liberacion de Saguia el-Hamra e de Rio de Oro (Popular Front for the Liberation of Saguia el-Hamra and Rio de Oro)
<b>EOD</b> - Explosive Ordnance Disposal	<b>PPLO</b> - Pa-O People's Liberation Organization
<b>EP</b> - European Parliament	<b>PSLF</b> - Palaung State Liberation Front
<b>ERW</b> - Explosive Remnants of War	<b>PUK</b> - Patriotic Union of Kurdistan
<b>FARC</b> - Fuerzas Armadas Revolucionarias de Colombia (Revolutionary Armed Forces of Colombia)	<b>RPM-M</b> - Revolutionary Workers' Party of Mindanao
<b>FSD</b> - Fondation Suisse de Déminage (Swiss Foundation for Mine Action)	<b>RPM-P/RPA-ABB</b> - Revolutionary Workers' Party of the Philippines/Revolutionary Proletarian Army-Alex Boncayao Brigade
<b>HPA</b> - Hiran Patriotic Alliance	<b>RRA</b> - Rahanweyn Resistance Army
<b>HPG</b> - Hezen Parestena Gel (People's Defence Forces)	<b>SAMO</b> - Somali African Muki Organization
<b>ICBL</b> - International Campaign to Ban Landmines	<b>SNF</b> - Somali National Front
<b>ICRC</b> - International Committee of the Red Cross	<b>SPLM/A</b> - Sudan People's Liberation Movement/Army
<b>ICU</b> - Islamic Courts Union	<b>SPM</b> - Somali Patriotic Movement
<b>IED</b> - Improvised Explosive Device	<b>SRRC</b> - Somalia Reconciliation and Restoration Council
<b>IHL</b> - International Humanitarian Law	<b>SSNM</b> - Southern Somali National Movement
<b>IKMAA</b> - Iraqi Kurdistan Mine Action Agency	<b>TFG</b> - Transitional Federal Government
<b>IMT</b> - International Monitoring Team	<b>TNG</b> - Transitional National Government
<b>JVA</b> - Juba Valley Alliance	<b>UN</b> - United Nations
<b>KDP</b> - Kurdistan Democratic Party	<b>UNDP</b> - United Nations Development Program
<b>KNO</b> - Kuki National Organization	<b>UNGA</b> - United Nations General Assembly
<b>KNPP/KA</b> - Karenni National Progressive Party/Karenni Army	<b>UNICEF</b> - United Nations International Children's Emergency Fund
<b>KNU/KNLA</b> - Karen National Union/ Karen National Liberation Army	<b>UNMAS</b> - United Nations Mine Action Service
<b>Kongra Gel</b> - Kurdistan People's Congress	<b>UNPO</b> - Unrepresented Nations and Peoples Organization
<b>KRG</b> - Kurdistan Regional Government	<b>UXO</b> - Unexploded Ordnance
<b>LDF</b> - Lahu Democratic Front	<b>USC/SNA</b> - United Somali Congress/Somali National Alliance
<b>MAG</b> - Mines Advisory Group	<b>USC/SSA</b> - United Somali Congress/Somali Salvation Army
<b>MFDC</b> - Mouvement des Forces Democratiques de Casamance (Movement of the Democratic Forces of Casamance)	<b>VMT</b> - Verification Monitoring Team
<b>MILF</b> - Moro Islamic Liberation Front	

## EXECUTIVE SUMMARY

*Since 2000, significant progress has been made in engaging armed non-State actors in a ban on anti-personnel mines...*

- 34 armed non-State actors (NSAs) have signed the Geneva Call *Deed of Commitment for Adherence to a Total Ban on Anti-Personnel Mines and for Cooperation in Mine Action* (hereafter the “*Deed of Commitment*”). This is significant because many of these NSAs were previously involved in the use, production and stockpiling of anti-personnel mines.
- Thanks to the efforts of Geneva Call and its partners, nine additional NSAs have committed themselves to prohibiting or limiting the use of anti-personnel mines, either unilaterally or through a ceasefire agreement with the government.
- The signing of the *Deed of Commitment* has facilitated the launch of much-needed humanitarian mine action activities by specialized organizations in areas under the control of signatory NSAs.
- Signatory NSAs that are now part of governments have been instrumental in the accession to, and implementation of, the Mine Ban Treaty by their respective States.
- Since 2000, there has been overall compliance with the *Deed of Commitment*’s core prohibitions on the use, production, acquisition and transfer of mines (Article 1).
- In accordance with Article 2 of the *Deed of Commitment*, most signatories (20) have undertaken and/or cooperated in humanitarian mine action with specialized organizations (mine clearance and related activities, stockpile destruction, victim assistance and mine risk education).
- In accordance with Article 3, nearly all signatories (29) have cooperated with Geneva Call in the monitoring of their commitment, providing information and reports on the measures they have taken to implement the *Deed of Commitment* and facilitating Geneva Call’s follow-up missions on the ground.
- In accordance with Article 4, most signatories (21) have reportedly taken measures to enforce the *Deed of Commitment* (orders, information dissemination, training, disciplinary sanctions in cases of non-compliance, etc).
- Several signatories have promoted the ban on anti-personnel mines to non-signatory NSAs.

- Geneva Call and its partners have assisted many signatories in implementing the *Deed of Commitment* (training and dissemination workshops, facilitation of technical assistance, promotion of mine action in areas under signatories' control).
- Nearly all signatories (29) have reported to Geneva Call on their implementation of the *Deed of Commitment*.
- Geneva Call has linked up with an increasing number of independent organizations operating on the ground to monitor compliance.
- Geneva Call and its partners have conducted follow-up visits to most signatories (20).
- Geneva Call has conducted two verification missions to investigate allegations of non-compliance made against signatories.
- Humanitarian engagement with NSAs and Geneva Call's initiative has received increased political support from the international community.
- NSA engagement on the landmine ban has helped build confidence among parties to conflict in several countries and served as an entry point for dialogue on wider humanitarian and human rights issues.

***But ultimate success still requires...***

- Persuading all NSAs to prohibit anti-personnel mines. Still many NSAs continue to use and produce this weapon worldwide and are reluctant to sign the *Deed of Commitment*.
- In accordance with *Action # 46* of the *Nairobi Action Plan*, continuing to support humanitarian mine action to assist affected populations in areas under the control of NSAs, particularly those that have agreed to abide by the Mine Ban Treaty's norms.
- Ensuring that NSAs that have signed the *Deed of Commitment* implement all their obligations (e.g. reporting on the measures taken, destroying all their stockpiled anti-personnel mines, fully cooperating in mine action with specialized organizations).
- Providing more technical assistance and resources to signatories to secure full compliance with the *Deed of Commitment* (for stockpile destruction, mine clearance, victim assistance, etc).

- Ensuring that concerned States grant access to areas where NSAs operate and facilitate mine action efforts by specialized organizations.
- Continuing to monitor and review progress in the implementation of the *Deed of Commitment*.

*“The States Parties [to the Mine Ban Convention] have affirmed that progress to free the world from anti-personnel mines will be enhanced if armed non-State actors embraced the international norm established by the Convention. Impressive progress has been made with armed non-State actors within the following States having adhered to the Geneva Call’s Deed of Commitment for Adherence to a Total Ban on Anti-Personnel Mines and for Cooperation in Mine Action: Burundi, India, Iraq, Myanmar, the Philippines, Somalia and Sudan.”*

**Review of the operation and status of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction 1999-2004**

## INTRODUCTION

Geneva Call has been engaging armed non-State actors (NSAs) in a landmine ban since 2000. The organization was created in response to the realization that the landmine problem could only be addressed effectively if NSAs, which represented an important part of the problem, were included in the solution. To facilitate such a process, Geneva Call has developed an innovative mechanism – the *Deed of Commitment for Adherence to a Total Ban on Anti-Personnel Mines and for Cooperation in Mine Action* (hereafter the “*Deed of Commitment*”) – which enables NSAs, who by definition cannot accede to the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (hereafter the “*Mine Ban Treaty*”), to subscribe to its norms.

After seven years of hard work, Geneva Call has decided to review the operation and status of the *Deed of Commitment*, and to document the progress accomplished in a similar form to the Progress Reports that have been prepared by States Parties to the Mine Ban Treaty since 2005.

The purpose of this Geneva Call Progress Report, which builds upon recent self-assessment<sup>1</sup> and research efforts<sup>2</sup> carried out by Geneva Call, is to take stock of the action taken to date, to record the achievements and remaining challenges, and to highlight priority areas for future work.

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1 Pascal Bongard, *Engaging Armed Non-State Actors in a Landmine Ban: An Assessment of Geneva Call's Performance (2000-2007)*, Geneva Call, internal document, Geneva, 2007. The assessment, which was carried out with the support of the Governments of Italy and Switzerland, as well as the United Nations Mine Action Service (UNMAS), entailed face-to-face interviews with about 40 people representing States, NSAs, UN agencies, international and local non-governmental organizations (NGOs). In addition, 18 people replied in writing to questionnaires and Geneva Call's archives were thoroughly researched.

2 Anki Sjöberg, *Armed Non-State Actors and Landmines. Volume I: A Global Report Profiling NSAs and their Use, Acquisition, Production, Transfer and Stockpiling of Landmines; Volume II: A Global Report of NSA Mine Action, and Volume III: Towards a Holistic Approach to NSAs*, Geneva Call and the Program for the Study of International Organization(s), Geneva, 2005, 2006 and 2007.



## I. ADVOCATING A UNIVERSAL BAN ON ANTI-PERSONNEL MINES

Since its creation in 2000, Geneva Call has engaged about 60 NSAs (non-State armed groups and *de facto* authorities) in 17 countries: Azerbaijan, Burma/Myanmar, Burundi, Colombia, Georgia, India, Indonesia, Iran, Iraq, Nepal, the Philippines, Senegal, Somalia, Sri Lanka, Sudan, Turkey and Western Sahara. The efforts were in most cases conducted in partnership with national campaigns to ban landmines and/or other local non-governmental organizations (NGOs).

### ACTION TAKEN AND PROGRESS MADE

#### 1. 34 NSA commitments to a total ban on anti-personnel mines and mine action

Between March 2000 and October 2007, 34 NSAs signed the *Deed of Commitment*: 20 in Africa (Burundi, Somalia, Sudan and Western Sahara), 11 in Asia (Burma/Myanmar, India and the Philippines), 1 in Europe (Turkey) and 2 in the Middle East (Iraq):

- Moro Islamic Liberation Front (MILF) and Revolutionary Workers' Party of the Philippines/Revolutionary Proletarian Army-Alex Boncayao Brigade (RPM-P/RPA-ABB), March 2000.
- Sudan People's Liberation Movement/Army (SPLM/A), October 2001.
- Kurdistan Regional Government-Erbil (led by the Kurdistan Democratic Party) (KRG-KDP) and Kurdistan Regional Government-Sulaimanyia (led by the Patriotic Union of Kurdistan) (KRG-PUK), August 2002.
- Banadiri, Hiran Patriotic Alliance/Somalia Reconciliation and Restoration Council (HPA/SRRC), Jowhar Administration, Puntland State of Somalia, Rahanweyn Resistance Army (RRA)/SRRC (faction of Col. Hassan Mohamed Nur "Shatigudud"), RRA/SRRC (faction of Sheikh Adan "Madobe"), Somali African Muki Organization (SAMO)/SRRC/Nakuru, Somali National Front (SNF)/SRRC, Somali Patriotic Movement (SPM)/SRRC (faction of General Aden Abdullahi Nur "Gabyow"), Southern Somali National Movement (SSNM)/BIREM, United Somali Congress/Somali National Alliance/SRRC (USC/SNA)/SRRC, Southern Somali National Movement (SSNM)/SNA/SRRC, Transitional National Government (TNG), USC/North Mogadishu/SRRC, USC/SNA/SRRC/Nakuru, USC/Somali Salvation Army (SSA), November 2002.

- Arakan Rohingya National Organization (ARNO) and National United Party of Arakan (NUPA), September 2003.
- Revolutionary Workers' Party of Mindanao (RPM-M), October 2003.
- National Socialist Council of Nagalim (Isak-Muivah faction) (NSCN-IM), October 2003.
- National Council for the Defence of Democracy/Defence Forces of Democracy (CNDD-FDD), December 2003.
- Juba Valley Alliance (JVA), January 2005.
- Popular Front for the Liberation of Saguia el-Hamra and Rio de Oro (Polisario Front), November 2005.
- Kurdistan People's Congress (Kongra Gel)/People's Defence Forces (HPG), also known as the Kurdistan Workers' Party (PKK), July 2006.
- Chin National Front/Chin National Army (CNF/CNA), July 2006.
- Kuki National Organisation (KNO), August 2006.
- The Lahu Democratic Front (LDF), the Palaung State Liberation Front (PSLF) and the Pa-O People's Liberation Organization (PPLO), April 2007.



*Signing of the Deed of Commitment  
by the Burundian rebel movement  
National Council for the Defence of  
Democracy/Defence Forces of Democracy  
(CNDD-FDD), Geneva, Alabama Room, 2003.  
Photo Credit: Geneva Call.*

Such commitments to a total ban on anti-personnel (AP) mines are significant because many of these NSAs were allegedly involved in the landmine problem before signing the *Deed of Commitment*. 16 of the 34 signatories used, or allegedly used, AP mines and/or victim-activated improvised explosive devices (IEDs).<sup>3</sup> Five produced, or allegedly produced, AP mines and/or IEDs.<sup>4</sup> 14 signatories reported that they held AP mine stockpiles when they signed the *Deed of Commitment*.<sup>5</sup> Lastly, all reported that the areas they control or operate in contain, or are suspected to contain, mines and/or explosive remnants of war (ERW).

It is important to note that 13 of the 34 signatories have changed their status since the time of signing and are currently no longer considered NSAs. Four<sup>6</sup> have become part of their State's governing authorities while nine<sup>7</sup> have either dissolved or abandoned armed struggle. Moreover, most Somali signatory factions still active are members of, or allied to, the Transitional Federal Institutions (Government and Parliament).

## 2. Other commitments against AP mines

In addition to the 34 signatories to the *Deed of Commitment*, progress towards the mine ban was made by some other NSAs. Nine non-signatory NSAs, thanks to Geneva Call and its partners' efforts, have committed to prohibiting or limiting the use of AP mines, while another has initiated mine clearance in areas where it operates.

One armed group, the Democratic Party of Iranian Kurdistan (DPIK), has indicated that it will sign the *Deed of Commitment* in the near future. Five other NSAs have declared their support for the ban either unilaterally or through a ceasefire agreement with the government: the Aceh Sumatra National Liberation Front/Free Aceh Movement (ASNLF/GAM)<sup>8</sup>, the Communist Party of Nepal - Maoist (CPN-M)<sup>9</sup>, the Party for the Liberation of the Hutu People-National Liberation Forces (Palipehutu-FNL)<sup>10</sup>, the Islamic

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3 CNDD-FDD, CNF/CNA, JVA, Kongra Gel/HPG, KRG-KDP, KRG-PUK, LDF, MILF, NUPA, Polisario Front, Puntland, RRA, SNF, SPLM/A, TNG and USC/SNA/SRRC/Nakuru.

4 CNF/CNA, Kongra Gel/HPG, KRG-KDP, KRG-PUK and MILF.

5 ARNO, CNDD-FDD, CNF/CNA, Jowhar Administration, JVA, LDF, Polisario Front, Puntland, PSFL, RRA, SNF, SPLM/A, USC/SNA/SRRC and USC/SNA/SRRC/Nakuru.

6 CNDD-FDD, KRG-KDP, KRG-PUK and SPLM/A,

7 ARNO, Banidiri, NUPA, SAMO, SPM, SSNM/BIREM, SSNM/SNA/SRRC, TNG and USC/North Mogadishu/SRRC.

8 In November 2004, during the First Meeting of Signatories to Geneva Call's *Deed of Commitment*, the ASNLF/GAM condemned the use of AP mines and claimed that it did not employ victim-activated devices.

9 In May 2006, the CPN-M and the Government of Nepal agreed to a bilateral ceasefire and a Code of Conduct that includes the non-use of landmines. The Comprehensive Peace Agreement concluded in November 2006 also commits the two parties to refrain from mining.

10 At a meeting with Geneva Call in Dar es Saalam in October 2006, the Palipehutu-FNL denounced the use of AP mines and committed itself to collaborating in mine action. This commitment came shortly after the signing of a ceasefire agreement with the Government of Burundi, prohibiting both mine-laying and the hindering of demining operations.

Courts Union (ICU)<sup>11</sup> and the self-declared Republic of Somaliland.<sup>12</sup> Three other NSAs have declared having introduced some form of limitation on their mine use, similar to the rules of customary international humanitarian law (IHL) and/or the Convention on Certain Conventional Weapons (CCW): the National Liberation Army (ELN)<sup>13</sup>, the Karenni National Progressive Party/Karenni Army (KNPP/KA)<sup>14</sup> and All Burma Students' Democratic Front (ABSDF).<sup>15</sup> One such group (ELN) has undertaken limited clearance and marking in areas where it operates.<sup>16</sup> Moreover, the National Democratic Front (NDF) and the Democratic Alliance of Burma (DAB), two alliances of Burmese opposition groups, which include mine users, have welcomed the signing of the *Deed of Commitment* by some of their member organizations and urged the others to restrict their mine use and undertake all possible measures to minimise casualties.<sup>17</sup> Though insufficient, these commitments and measures are encouraging steps, since they reflect an increasing awareness of the devastating impact of AP mines and indeed help to reduce it. Many non-signatory groups have acknowledged the problems caused by the weapon and the need to reconsider their mine policy. Some of them actually appear to be acting, for the most part, in accordance with the Mine Ban Treaty's provisions.

### **3. Facilitation of States accession to, and implementation of, the Mine Ban Treaty**

NSAs that have signed the *Deed of Commitment* and that are now part of governments have been instrumental in the acceptance and implementation of the Mine Ban Treaty by Burundi, Iraq and Sudan, and are doing the same in Somalia. In Sudan, the signing of the *Deed of Commitment* by the SPLM/A in 2001 was a key consideration in the government's decision to ratify the Convention two years later.<sup>18</sup> In Burundi, the

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11 In December 2006, the ICU leadership, after meeting with Geneva Call in Mogadishu, reiterated in a letter its no-use policy of victim-activated explosive devices. It admitted to employing anti-vehicle (AV) mines and to possessing stockpiles of both AV and AP mines.

12 With the assistance of Geneva Call and its local partner, Somaliland is currently in the process of adopting legislation to prohibit the use and possession of AP mines.

13 In June 2003, the ELN informed Geneva Call that, although it was not prepared to adhere to the *Deed of Commitment*, it would be willing to explore ways to reduce the impact of AP mine use on civilians. In December 2005, the ELN publicly announced its new mine policy. It claimed that it would not lay mines in an indiscriminate way, instruct commanders to map mined areas, warn local communities about the location of mines and areas to avoid, and remove mines which served no military purpose.

14 In August 2006, the KNPP, after meeting with Geneva Call, announced that in recognition of the high risks posed by AP mines to civilians and to avoid casualties, it had taken steps to limit their use. Such limitations allegedly include the non-use of mines in civilian areas. The KNPP further stated that it removes mines laid around its camps when leaving and it would be willing to cooperate with specialist organizations. Cf. KNPP Executive Committee, *Statement on the use of landmines*, KNPP Headquarters, 31 August 2006.

15 In March 2007, the ABSDF, after meeting with Geneva Call, declared that, though it was not in a position to sign the *Deed of Commitment* for the time being, it only used landmines for the purpose of self-defence and in non civilian areas, and systematically mapped and removed mines after hostilities.

16 In January 2005, the ELN announced that it had cleared an area it had previously mined along a 15 km stretch of road in Micoahumado, south of Bolivar. Geneva Call was provided with a map of the cleared zones.

17 NDF Central Executive Committee, *Statement by NDF on Landmine Use*, 29 January 2007 and DBA Central Executive Committee, *Our Position on Landmines*, 7 July 2007.

18 As Martin Barber, former director of UNMAS, said: "It is clear from conversations with senior officials of the government that they would not have felt able to ratify the Treaty, if the SPLM/A had not already made a formal commitment to observe its provisions

fact that the CNDD-FDD had already committed to comply with the Mine Ban Treaty's norms by signing the *Deed of Commitment* facilitated the acceptance and implementation of the Treaty when the movement came to power in 2005. In Iraq, officials of the KDP and PUK, two signatory groups that became members of the national authorities after the fall of the Saddam Hussein's regime in 2003, encouraged the government to join the Mine Ban Treaty. Iraq acceded to the Treaty in August 2007, as one of the very few States in the region to have done so. In Somalia, the Prime Minister of the Transitional Federal Government (TFG) declared his government's intention to accede to the Mine Ban Treaty in continuity with the signing of the *Deed of Commitment* by most of its individual members.<sup>19</sup> Further to the establishment of the TFG in October 2004, many signatory faction leaders have become members of the governing authorities. Moreover, in the Philippines, representatives of the government declared that NSA engagement was essential in ensuring the successful implementation of the Mine Ban Treaty.<sup>20</sup>

#### **4. New mine action activities launched**

In several countries, particularly in Sudan and Western Sahara, the signing of the *Deed of Commitment* facilitated the launch of much-needed humanitarian mine action activities by specialized organizations in areas under the signatory NSAs' control.

In Sudan, Geneva Call facilitated contacts between the SPLM/A and mine action stakeholders, which resulted in a landmark tripartite Memorandum of Understanding (MoU) signed in 2002 between the Government of Sudan, the SPLM/A and UNMAS. This MoU for UN emergency mine action support to Sudan, together with the improving political situation and the 2002 ceasefire agreements, helped to expand mine action activities, especially in the south. According to mine action operators, the signing of the *Deed of Commitment* by the SPLM/A also facilitated the release of funds as many donors made their support conditional on a mine ban.

In Western Sahara, a few months after the signing of the *Deed of Commitment* by the Polisario Front, the British NGO Landmine Action, with the support of UNMAS, started a technical survey and Explosive Ordnance Disposal (EOD) project in the areas controlled by this signatory group. Moreover, the International Committee of the Red Cross (ICRC) is setting up a physical rehabilitation centre in the Saharawi refugee camps. At the time of the signing, no international humanitarian mine action was taking place in Western Sahara.

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in the territory under its control.” in Anki Sjöberg, *Armed Non-State Actors and Landmines. Volume I: A Global Report Profiling NSAs and their Use, Acquisition, Production, Transfer and Stockpiling of Landmines*, Geneva Call and the Program for the Study of International Organization(s), Geneva, 2005, p.1. Interviews conducted by Geneva Call with representatives from both the Government of Sudan and the SPLM/A confirmed this view.

19 Statement by Ali Mohamed Gedi, Prime Minister, TFG, First Review Conference, Nairobi, 2 December 2004. In addition, in June 2005, Deputy Prime Minister Mohamed Hussein Aideed, also Chairman of the signatory faction USC/SNA/SRRC, reaffirmed before the Standing Committee Meetings in Geneva the TFG's resolve to join the Mine Ban Treaty “as soon as practically possible”.

20 Statement by Lauro L. Baja, Jr., Undersecretary of Foreign Affairs, Republic of the Philippines, 3<sup>rd</sup> Meeting of States Parties to the Mine Ban Treaty, Managua, 19 September 2001.



## 5. Increased international support for engagement with NSAs and Geneva Call's initiative

States Parties to the Mine Ban Treaty<sup>21</sup>, the United Nations General Assembly (UNGA)<sup>22</sup>, the European Parliament (EP)<sup>23</sup>, the African Union (AU)<sup>24</sup>, the Organization for Security and Cooperation in Europe (OSCE)<sup>25</sup>, the Organization of American States (OAS)<sup>26</sup>, the ICRC, the International Campaign to Ban Landmines (ICBL) and other NGOs, all have urged NSAs to end the use of AP mines and acknowledged that progress towards a mine-free world would be enhanced if NSAs observed the Mine Ban Treaty's norms. Moreover, many States Parties, the European Union, and UN agencies have expressed their support and provided financial contributions to Geneva Call. Efforts to promote NSA adherence to the AP mine ban were also made by signatories to the *Deed of Commitment*, either on a bilateral basis<sup>27</sup> or in multilateral fora such as the Unrepresented Nations and Peoples Organization (UNPO).<sup>28</sup>



*Geneva Call's press conference at the European Parliament, Strasbourg, 2001.  
Photo Credit: Geneva Call.*

21 Declaration of the Fourth Meeting of the States Parties, adopted by the plenary meeting on 20 September 2002 (APLC/MSP.4/2002/1) and Declaration of the Fifth Meeting of the States Parties, adopted by the plenary meeting on 19 September 2003 (APLC/MSP.5/2003/5). See also the Review of the operation and status of the Convention 1999-2004 (APLC/CONF/2004/5, Part II), the Zagreb Progress Report (APLC/MSP.6/2005/L.1) and the Geneva Progress Report (APLC/MSP.7/2006/5).

22 UNGA resolutions on Assistance in Mine Action, adopted by the 60th plenary meeting on 19 December 2003 (A/RES/58/127) and by the 62nd plenary meeting on 8 December 2005 (A/RES/60/97).

23 European Parliament resolutions, *Measures to Promote A Commitment by non-State Actors to a Total Ban on Anti-Personnel Landmines*, 6 September 2001, *Review of Ottawa Treaty on anti-personnel mines*, 22 April 2004, and *A World without Landmines*, 7 July 2005.

24 African Union, *Common African Position on Anti-Personnel Landmines*, adopted at the 2<sup>nd</sup> Continental Conference of African Experts on Landmines, 17 September 2004.

25 OSCE Parliamentary Assembly resolution, *Measures to Promote Commitments by non-State Actors to a Total Ban on Anti-Personnel Landmines*, 9 July 2004.

26 OAS General Assembly Resolution, *The Americas as an Anti-Personnel Landmine Free Zone*, 7 June 2005.

27 The KNO with the LDF and PSLF, the MILF with the CPN-M, the NSCN-IM with rebel groups operating in north-east India, the SPLM/A with the ELN and rebel groups operating in Darfur and the USC/SNA/SRRC with JVA.

28 Both the NSCN-IM and CNF/CNA have promoted with Geneva Call the adoption of a mine ban resolution by UNPO at its VII General Assembly in Taiwan in October 2006. Besides the NSCN-IM and CNF/CNA, UNPO comprises other armed groups or *de facto* authorities such as Abkhazia, Somaliland, Taiwan, the Oromo Liberation Front, the Chechen insurgency and several Burmese ethnic groups.

## CHALLENGES

### **6. Reluctance of NSAs to renounce the use of AP mines**

Many NSAs still remain outside the ban. Among them are major mine users and producers, such as the Colombian guerrillas and Burmese armed opposition groups. In fact, the number of NSAs resorting to AP mines and/or IEDs today significantly exceeds the number of States. In 2006-2007, close to 40 are reported to have used such weapons. Moreover, several NSAs still retain large stocks of AP mines in territory under their control.

While a compelling case has been made regarding how the appalling humanitarian consequences of AP mine use greatly outweigh their military utility, some of these NSAs continue to claim that, given the enemy's superior firepower, the weapon remains necessary for their armed struggle. Others have linked the possibility of renunciation of AP mines to the resolution of the conflict, while still others have suggested that they would be in a position to join the ban only if their opponent State reciprocates, halts indiscriminate bombing or use of cluster munitions. Finally, some groups, while supporting the ban, have decided not to sign the *Deed of Commitment* because the situation in their areas of operation was not conducive to independent monitoring. They expressed the concern that, given government restrictions and insecurity, independent monitors would be unable to verify allegations of non-compliance that might be made against them.

Geneva Call has been in dialogue with many of these non-signatory NSAs. Some of them have made positive steps towards the ban or committed to limit the use of AP mines (see section 2). However, such steps are not sufficient and pressure must continue to be made for securing adherence to a total and comprehensive ban. Unlike the *Deed of Commitment*, many of these commitments are only *restrictions* on the use of AP mines and they do not provide for cooperation in mine action, enforcement and accountability mechanisms.

### **7. Insufficient cooperation, or lack of cooperation, from some concerned States**

Although most States concerned by NSAs have cooperated with Geneva Call, a small number of them have made its work challenging. One State alone (Turkey) has consistently opposed any engagement of the Kongra Gel/HPG, arguing that this would give legitimacy to a group that it officially considers as a "terrorist" organization. Turkey is of the view that when engagement is contemplated, the consent of the concerned State is necessary for such an engagement to take place. Such a view is not shared by the large majority of States Parties to the Mine Ban Treaty.

Another State (India), though not objecting to the principle of NSA engagement, has been reluctant, as a matter of general policy, to facilitate international involvement in what it considers an internal issue and has therefore not granted travel permits and visas to Geneva Call's staff. However, Geneva Call's local partner has been allowed to meet with the NSAs. A few other States have also restricted temporarily Geneva Call's

access to areas where NSAs operate. Lastly, another State (Colombia), though supporting politically Geneva Call's work and facilitating contacts with the ELN, has on the other hand, for alleged security reasons, discouraged Geneva Call from meeting with the Revolutionary Armed Forces of Colombia (FARC) on its territory and refused to allow specialist international organizations to verify areas cleared by the ELN in Micoahumado.

## 8. Other challenges

Insecurity, lack of financial resources and NSA internal divisions have also affected Geneva Call's engagement work negatively. Engaging NSAs and gaining their confidence is often a time-consuming process which involves long preparations and negotiations. Some groups operate in remote areas that are difficult to access and may also present security risks. In some cases, such as the Movement of the Democratic Forces of Casamance (MFDC), their command structure is loose or fragmented, with military commanders operating autonomously from the political leadership. The decisions of the latter may not necessarily bind combatants engaged on the ground. Other NSAs, such as the RRA, have been involved in internal power struggles or split into several factions, which have started to fight among themselves. Moreover, as with States, the first signatories were perhaps the easiest to engage, whereas those with which Geneva Call is currently in dialogue will probably take longer to persuade.

## RECOMMENDATIONS AND STEPS FORWARD

- ▶ Efforts should continue to be made to engage those NSAs that have not yet committed to the AP mine ban to do so without further delay. Ensuring that all actors, including NSAs, respect the Mine Ban Treaty's provisions is a humanitarian necessity if civilians are to be spared from the effects of AP mines. Particular priority should be given to groups that continue to use, produce or possess AP mines or otherwise warrant special concern (for example, NSAs that control mine-affected areas and could assist in mine action efforts). Actors that may have an influence on these groups, particularly States Parties to the Mine Ban Treaty and signatories to the *Deed of Commitment*, have an important role to play in this regard. In accordance with Action # 7 of the *Nairobi Action Plan* and Article 8 of the *Deed of Commitment* respectively, they should actively promote NSA adherence to the Mine Ban Treaty's norms.
- ▶ Pending their commitment to observe the Mine Ban Treaty's provisions, non-signatory NSAs are urged to refrain from using and producing AP mines, to carry out mine action activities (stockpile destruction, mine risk education, victim assistance, mine clearance and related activities) and to cooperate with specialized international and local organizations in that respect. These actions help to reduce the mine threat, facilitate implementation of the Mine Ban Treaty and bring about an environment that is more conducive to a total ban. Many signatories have taken such steps prior to signing the *Deed of Commitment*.



- ▶ NSA engagement work should be sensitive to local realities and carried out in transparency with concerned States. Concerned States, particularly States Parties, should support engagement work by allowing contact with, and facilitating safe and unhindered access to, NSAs operating in their territory, including through prompt issuance of visas and internal travel permits for the staff of humanitarian organizations involved in mine action. Engagement efforts must not be construed as recognition of the NSAs' political legitimacy or support for their struggle. Pursuant to Article 3 common to the 1949 Geneva Conventions and their 1977 Additional Protocols, the application of IHL does not affect the legal status of NSAs. Third party States should continue to encourage concerned States to facilitate access to groups operating in their territory, and to provide political and financial support for engagement work.



*Civilians living in mine-affected areas under NSA control, 2006.  
Photo Credit: Geneva Call.*

## II. IMPLEMENTING THE *DEED OF COMMITMENT*

By signing the *Deed of Commitment*, NSAs have committed themselves to:

- Prohibit all use, development, production, acquisition, stockpiling, retention and transfer of AP mines, under any circumstances (Article 1);
- Undertake and cooperate in stockpile destruction, mine clearance, victim assistance, mine risk education (MRE) and various other forms of mine action (Article 2);
- Allow and cooperate in the monitoring and verification of their commitment by Geneva Call. This includes field visits and inspections, as well as the provision of information and progress reports on implementation (Article 3); and
- Take the necessary measures to enforce their commitment: orders, information dissemination, training and disciplinary sanctions in case of non-compliance (Article 4).

These Articles contain the core obligations for signatory NSAs under the *Deed of Commitment*. Although the primary responsibility for ensuring compliance rests with each individual signatory, Geneva Call and its partners have actively followed up and supported implementation of the *Deed of Commitment* as much as possible. Support from Geneva Call generally took the form of training on the mine ban, facilitating technical assistance from specialized organizations, and promoting mine action intervention in areas controlled by signatory groups.

*“The United Nations recognizes the leading role of the Geneva Call in the field of advocacy for mine action with non-state actors. Geneva Call is the only organization that provides a mechanism whereby non-state actors, as they are not eligible to enter into the Ottawa Convention, can commit themselves by signing a “Deed of Commitment for Adherence to a Total Ban on Anti-Personnel Mines and for Cooperation in Mine Action” [...]. The Geneva Call initiative is widely acknowledged by governments, UN agencies, non-governmental organizations and media.”*

**United Nations Mine Action Service (UNMAS)**

## ACTION TAKEN AND PROGRESS MADE

### 9. Overall compliance with the *Deed of Commitment's* prohibitions

As of October 2007, three signatory groups (the MILF<sup>29</sup>, the SPLM/A<sup>30</sup> and Kongra Gel/HPG<sup>31</sup>) have been accused by their respective governments of using AP mines shortly after signing the *Deed of Commitment*, while two other signatories (Puntland<sup>32</sup> and the Jowhar Administration<sup>33</sup>) have been reported as having re-

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29 In 2000 and 2001, the Armed Forces of the Philippines (AFP) accused the MILF of planting improvised mines around their camps in Mindanao. Ten incidents were attributed to the MILF. The group responded that the incidents may have been caused by unexploded ordnance (UXO) dropped by the AFP and called for an independent investigation. A subsequent verification mission conducted by Geneva Call revealed that the MILF had misconceptions regarding the types of mines covered by the ban and a faulty understanding of the concept of “command detonation”. The MILF admitted to having used “string-pulled”, improvised devices for the defence of its camps against attacks by the AFP. The MILF viewed the use of such devices, in trip-wire mode and in no-man’s land zones where civilians are forewarned, as consistent with the *Deed of Commitment*. However, the devices used by the MILF were not *electronically* detonated and, when they were left behind by fighters after withdrawal, they became potentially victim-activated. Thus, they were in fact prohibited under the *Deed of Commitment*. The MILF agreed to no longer employ string-pulled, improvised devices under any circumstances. In 2003 and early 2004, two more incidents were attributed by the AFP to the MILF. The MILF denied involvement and requested an independent mechanism for verification. Since the establishment of the International Monitoring Team (IMT) in March 2004, no more accusations were lodged against the MILF. For more details, see Geneva Call, *Seeking Accountability*, Report of the Geneva Call Mission to the MILF in the Philippines, Geneva Call, Geneva/Manila, 2002 and *Landmine Monitor Report 2000-2004*.

30 In several instances in 2002 and 2003, the Government of Sudan accused the SPLM/A of continuing to lay AP mines. These allegations were never independently verified. However, in 2004, a government representative withdrew the accusations and insisted the SPLM/A had not used AP mines since signing the *Deed of Commitment*. There were no new allegations of mine use against the SPLM/A since. Cf. *Landmine Monitor Report 2002-2004*.

31 In several instances in 2007, the Government of Turkey accused the Kongra Gel/HPG of continuing to employ landmines and other types of explosives to attack Turkish security forces. In May 2007, Geneva Call wrote to Turkey to request a discussion on these accusations and on a possible follow up on the ground but has not yet received a response. In a letter to Geneva Call dated 15 June 2007, the HPG denied the use of AP mines and invited relevant international bodies to send a verification mission. In addition, Geneva Call sought to obtain more details from independent, local sources. It appears that most of the incidents have been caused by command-detonated IEDs targeting military personnel. Only few incidents seem to have been the result of victim-activated AP mines or IEDs, yet the date of their placement could not be confirmed as both sides used AP mines in the past. The Kongra Gel/HPG has previously admitted to using command-detonated mines, but denied any use of mines or other explosive devices which can be activated by a person. Command-detonated mines are not banned under the *Deed of Commitment*.

32 In its November 2006 report (S/2006/913), the UN Monitoring Group on violations of the arms embargo in Somalia reported that Ethiopia had provided 180 AP mines and other unspecified landmines to Puntland’s armed forces in August and September 2006. Geneva Call wrote to the Chair of the Monitoring Group to seek further information, particularly as some of the terminology in the report was unclear as to which types of mines were allegedly received. Geneva Call did not receive a response. In a letter to Geneva Call dated 30 January 2007, Puntland authorities denied the allegation and in July-August 2007 provided Geneva Call access to their military stockpiles in Garowe and Galkayo. No AP mines were found except for the 48 PMP-71 that Puntland had disclosed to Geneva Call in an earlier mission in September 2004. The Puntland authorities reiterated their commitment to destroy their stocks of mines and other explosive ordnance and made a further request for international assistance.

33 In two reports in October 2005 (S/2005/625) and May 2006 (S/2006/229), the Monitoring Group stated that Mohamed Omar Habeb “Dhere”, Chairman of the Jowhar Administration, had acquired “landmines” from Ethiopia. Neither report specified whether these were AP or AV mines. Geneva Call sought clarification from Mohamed Dhere, who denied having received any AP mines. It is possible that the mines allegedly acquired were AV mines as was the case in June 2006, when Dhere’s militia reportedly laid 38 TM-57 mines around the Jowhar airstrip for defence against the ICU’s forces. AV mines are not banned under the *Deed of Commitment* as long as they are not victim-activated.

ceived landmines in 2005 and 2006 from Ethiopia, a State Party to the Mine Ban Treaty. However, in the last four cases, no conclusive evidence was found to support these allegations. As for the MILF, it appears that the group did not realize that it was using prohibited weapons by employing what it thought to be command-detonated devices. Moreover, all signatories cooperated fully in the verification process conducted by Geneva Call, and, in the case of Puntland, provided unprecedented access to its military stockpiles.

Since 2000, there have been no reports of the production and transfer of AP mines concerning any signatory.

In all, it can be said that signatory NSAs have by and large complied with Article 1 of the *Deed of Commitment*. This is notable because many signatories were users of AP mines before signing the *Deed of Commitment* and some have continued to be involved in active fighting since then.

## **10. Mine action**

As of October 2007, most signatories (20) have undertaken and/or cooperated in mine action, in accordance with Article 2 of the *Deed of Commitment*.

16 signatories have established mine action coordination structures or appointed focal persons to follow up on the implementation of the *Deed of Commitment*.<sup>34</sup> 14 signatories have reportedly carried out mine clearance and related operations (mapping, marking and surveying) and/or cooperated with international and local specialized organizations in that respect.<sup>35</sup> In many cases, the action was limited and consisted of *ad hoc* marking, EOD and removal of mines. Only a few NSAs (SPLM/A, Puntland, Polisario Front, KRG-KDP and KRG-PUK) were involved in substantial demining and related activities, in cooperation with specialized organizations.

14 signatories reported that they held stockpiled AP mines when they signed the *Deed of Commitment*.<sup>36</sup> Two signatories, the SPLM/A and the Polisario Front, with support from UN agencies and international NGOs, have begun destroying their stockpiles. The LDF reported the same and the Kongra Gel/HPG, through a related organization assisted by an international expert, also destroyed AP mines and UXO it had removed from the ground. Four other signatories (Puntland, the SNF, the CNF/CNA and PSLF) have been reportedly carrying out inventories of their stocks and preparing them for destruction. Another three groups (ARNO, CNDD-FDD and USC/SNA/SRRC) were ready to destroy AP mines in their possession immediately after

<sup>34</sup> ARNO, CNDD-FDD, CNF/CNA, HPA, KNO, Kongra Gel/HPG, KRG-KDP, KRG-PUK, MILF, NUPA, Polisario Front, PSLF, Puntland, SNF, SPLM/A and RRA.

<sup>35</sup> CNDD-FDD, HPA, Jowhar Administration, JVA, KNO, Kongra Gel/HPG, KRG-KDP, KRG-PUK, MILF, Polisario Front, Puntland, RRA, SNF and SPLM/A.

<sup>36</sup> ARNO, CNDD-FDD, CNF/CNA, Jowhar Administration, JVA, LDF, Polisario Front, Puntland, PSLF, RRA, SNF, SPLM/A, USC/SNA/SRRC and USC/SNA/SRRC/Nakuru.

signing the *Deed of Commitment* and requested technical assistance. However, in the case of ARNO<sup>37</sup> and USC/SNA/SRRC<sup>38</sup>, the situation on the ground changed rapidly and the stocks were captured by other armed forces before assistance could be provided. As for the CNDD-FDD, landmines in its possession were combined with the army's stocks when it joined the government. The four other groups (Jowhar Administration, JVA, RRA and USC/SNA/SRRC/Nakuru) that declared having stockpiles have still to report on their types and numbers and to take any action to destroy them.

11 signatories reported that they have provided assistance to mine victims and/or cooperated with organizations active in that respect.<sup>39</sup> The assistance provided was generally in the form of first aid and evacuation to medical facilities. In some cases, medical care and financial support for treatment were given. However, in most cases, assistance has been limited. Only a few NSAs (SPLM/A, Puntland, Polisario Front, KRG-KDP and KRG-PUK) could provide health and rehabilitation services (most often supported by specialized organizations).

12 signatories provided information on the MRE activities they have undertaken or facilitated.<sup>40</sup> In most cases, these efforts have been sporadic, consisting mainly of warning the local population of the location of mined areas and raising awareness about the dangers of landmines and UXO. No signatory has been reportedly involved in large-scale MRE programmes.

Generally speaking, signatories cooperated with specialized organizations more than they undertook mine action on their own.<sup>41</sup> That is mainly due to their lack of technical capacity, qualified personnel, equipment and financial resources. Yet, despite some difficulties in access and transparency (see below section 13), the level of cooperation has been qualified generally as “fairly good” by specialized organizations. The signatory NSAs most active in mine action were *de facto* authorities facing a serious mine problem in the areas under their control, particularly the SPLM/A, the Polisario Front, the KRG-KDP and KRG-PUK. Their involvement in mine action actually started before the signing of the *Deed of Commitment* but intensified afterwards thanks to increased support from international NGOs and UN agencies. This has been the case particularly in southern Sudan and Western Sahara (see section 4).

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37 The bulk of stocks reported by ARNO (58 out of 85 AP mines) were allegedly seized by the Bangladeshi security forces, though the latter has denied this claim. The status of the remaining mines is unknown. ARNO has now disbanded its armed wing and no longer controls its arms caches.

38 USC/SNA/SRRC mine stocks were captured by the ICU forces when they gained control of Mogadishu in June 2006. The USC/SNA/SRRC recovered its stocks later in the year following the ICU defeat against Ethiopian and TFG troops.

39 ARNO, Kongra Gel/HPG, KRG-KDP, KRG-PUK, MILF, NUPA, Polisario Front, Puntland, RRA, SNF and SPLM/A.

40 ARNO, HPA, Kongra Gel/HPG, KRG-KDP, KRG-PUK, MILF, Polisario Front, Puntland, RRA, SNF, SPLM/A and SPM.

41 Signatory NSAs cooperated with specialised mine action organizations by granting them access to areas under their control, sharing information, and providing security, logistical and sometimes even financial support.





*Destruction of more than 3'000 stockpiled AP mines by the Polisario Front, Western Sahara, 2007.  
Photo Credit: Geneva Call.*

## **11. Cooperation in monitoring**

As of October 2007, in accordance with Article 3 of the *Deed of Commitment*, nearly all signatories (29) have complied with their obligation to cooperate in the monitoring of their pledge.

29 signatory NSAs have provided information and reports to Geneva Call on measures they have taken to implement the *Deed of Commitment*.<sup>42</sup> The information was communicated during field visits and meetings and/or through routine correspondence, phone conversations and written reports. In addition, in 2004, Geneva Call designed a standard template, similar to the Mine Ban Treaty Article 7 transparency report, to facilitate reporting. To date, 14 signatories have filled out this report<sup>43</sup> while two other groups have reported on implementation using other forms.<sup>44</sup> Most signatory NSAs that have not yet submitted their reports were in the process of dissolution or transition to State status at the time they were requested to report. Recent signatories (LDF, PSLF and PPLO) have not yet received the reporting format.

Despite some transparency problems (see section 13), all NSAs visited on the ground (20)<sup>45</sup> facilitated Geneva Call and/or its partners' follow-up missions in areas under their control or operation, sometimes providing

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42 ARNO, CNDD-FDD, CNF/CNA, HPA, Jowhar Administration, JVA, KNO, Kongra Gel/HPG, KRG-KDP, KRG-PUK, LDF, MILF, NSCN-IM, NUPA, Polisario Front, PPLO, PSLF, Puntland, RPA-ABB, RRA (the two factions), SNF, SPLM/A, SPM, TNG, USC/North Mogadishu/SRRC, USC/SNA/SRRC, USC/SNA/SRRC/Nakuru and USC/SSA.

43 ARNO, CNDD-FDD, HPA, KNO, KRG-KDP, MILF, NSCN-IM, NUPA, Polisario Front, Puntland, SAMO, SNF, SPM and USC/SNA/SRRC.

44 In January 2002, before the standard template was created, one signatory group (the RPM-P/RPA-ABB) reported on implementation in the form of a letter to Geneva Call. Another group, SPLM/A, further to the signing of the Comprehensive Peace Agreement in January 2005, reported under Article 7 of the Mine Ban Treaty as a member of the Government of National Unity.

45 ARNO, CNDD-FDD, HPA, Jowhar Administration, JVA, Kongra Gel/HPG, KRG-KDP, KRG-PUK, MILF, NSCN-IM, Polisario Front, Puntland, RRA (the two factions), SNF, SPLM/A, SPM, USC/SNA/SRRC, USC/SNA/SRRC/Nakuru and USC/SSA.

unprecedented access to their stockpiles. The visits were intended to support and monitor implementation of the *Deed of Commitment*. In many cases, focal persons with relevant knowledge on the landmine situation (senior military officials, engineers, former deminers) assisted the mission members, who had the opportunity to visit mine-affected areas and hospitals. No signatory ever consistently refused a field visit or denied access to its areas of operation or control. The MILF and Puntland also cooperated fully in the missions conducted by Geneva Call in 2002 and 2007, respectively, with a view to verifying allegations of non-compliance.

## **12. Enforcement of the *Deed of Commitment***

As of October 2007, most signatories (21) have taken measures to enforce their commitment, as required in Article 4 of the *Deed of Commitment*.

19 signatories have reported that they have issued orders to their rank and file and/or informed their members and constituencies about the *Deed of Commitment*.<sup>46</sup>

Nine signatories either participated in or conducted, with Geneva Call and local partners' support, mine ban education and implementation workshops for their rank and file and members.<sup>47</sup> In most cases, these workshops were conducted at the request of the groups themselves. Senior leaders attended and relevant educational material was distributed. Geneva Call's training manual on the *Deed of Commitment* provisions was also provided to five signatories (SPLM/A, MILF, the Polisario Front, Puntland and the CNF/CNA) and similar training sessions are planned with other signatory groups.

In addition, four NSAs adopted mine action decrees, policies and laws: the SPLM/A, Puntland, KRG-KDP and KRG-PUK. These decrees and policies establish structures to regulate, coordinate and implement mine action in territories under their control: the New Sudan Authority on Landmines (NSAL)/New Sudan Mine Action Directorate (NSMAD)<sup>48</sup>, the Puntland Mine Action Centre (PMAC)<sup>49</sup> and the Iraqi Kurdistan Mine Action Agency (IKMAA).<sup>50</sup>

Finally, nine signatories reported having provided for disciplinary sanctions in cases of non-compliance.<sup>51</sup> Demotion, suspension, expulsion and imprisonment are the most commonly cited sanctions.

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46 ARNO, CNDD-FDD, CNF/CNA, HPA, KNO, Kongra Gel/HPG, KRG-KDP, KRG-PUK, LDF, MILF, NSCN-IM, NUPA, Polisario Front, PPLO, PSLF, Puntland, SNF, SPLM/A and USC/SNA.

47 ARNO, KNO, MILF, NSCN-IM, NUPA, Puntland, RRA, SNF and SPLM/A.

48 SPLM/A, *Formation of New Sudan Authority on Landmines*, General Headquarters, Yei and New Cush, 9 May 2004. The NSMAD was renamed South Sudan Regional Mine Action Centre in March 2006 as a result of a Presidential Decree establishing the National Mine Action Authority.

49 Puntland State of Somalia, *National Policy for Humanitarian Mine Action*, 2004.

50 *Law of the Mine Action Agency of the Kurdistan Region-Iraq*, 2007.

51 ARNO, HPA, LDF, MILF, NSCN-IM, Polisario Front, SAMO/SRRC/Nakuru, SNF and SPLM/A.

## CHALLENGES

### 13. Compliance concerns and insufficient cooperation from some signatory NSAs

Both SPLM/A and MILF leaders have revealed the difficulties they have faced in getting their rank and file to accept their decision to ban AP mines. Some field commanders still considered mines as legitimate weapons in certain circumstances (self-defence, for example) and invoked military arguments in favour of continued use. Typically, armed groups face superior conventional armed forces, which can make it difficult for their rank and file to agree to renounce any means of warfare. Similarly, the level of control enjoyed by some signatory leaders over their fighters appeared to be limited, thus raising questions as to their ability to secure full compliance with the *Deed of Commitment*. This has been the case in southern Somalia, for example. A related challenge has been the practical difficulties for some signatory groups, such as the SPLM/A, in disseminating their ban policy over the vast and remote areas under their control. The SPLM/A conceded that, although it had not found any instance of violations, there may have been limited use of AP mines by some fighters due to a lack of awareness of the new policy. That is why the leadership requested Geneva Call to assist in its dissemination efforts by conducting workshops on the *Deed of Commitment* for its rank and file.<sup>52</sup>

Moreover, in the case of the MILF, misconceptions regarding the types of mines covered by the *Deed of Commitment* and a faulty understanding of the concept of “command detonation” contributed to difficulties in implementation. This experience revealed the importance of ensuring that armed groups are clear about the exact scope of their commitment prior to signing the *Deed of Commitment*. Since 2002, Geneva Call has begun to act more systematically in this respect, discussing relevant technical concepts in detail, involving military commanders in the engagement process and translating the *Deed of Commitment* into the groups’ native languages.

Lastly, like States Parties to the Mine Ban Treaty, some signatories appeared not to have taken all necessary measures to enforce their commitment or to have fully cooperated in mine action with specialized organizations. For instance, some groups have been unwilling or unable to account for their stockpiled AP mines (ARNO, Jowhar Administration, JVA, RRA and USC/SNA/SRRC/Nakuru). One simply never reported on the measures it had taken to implement the *Deed of Commitment* (RPM-M), while another restricted mine action organizations’ access to strategic areas such as front line minefields (SPLM/A). These cooperation and transparency problems have sometimes been caused by a lack of awareness of the mine ban policy among the rank and file but, on other occasions, they seem to have been tolerated by some field commanders. Strong action, such as orders and sanctions, from the top leadership may have solved the problem and ensured that full information and access were provided.

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<sup>52</sup> Geneva Call, *Mine Ban Education Workshop in Southern Sudan*, Report of Proceedings and Recommendations, Geneva Call, Geneva, 2003.



#### 14. Lack of technical capacity and resources

This has constituted a very significant challenge for signatory NSAs and has dramatically hampered progress in the implementation of the *Deed of Commitment*. Many signatories have indicated that they lack the technical capacity and resources to fully meet their obligations, especially with respect to Article 2 (mine action). These limitations have taken several forms: lack of technical knowledge and expertise (international mine action standards, information gathering and management, methodologies for prioritisation, etc), lack of equipment and infrastructure (mine detectors, electrical detonators, medicines, medical facilities, etc.), lack of qualified manpower (deminers, doctors, etc) and lack of financial means. As a result, many signatories have been unable to undertake mine action on their own, in particular stockpile destruction and mine clearance. Similarly, only a few NSAs have the capacity to provide medical care and rehabilitation services, not to mention socio-economic reintegration, thus resulting in small-scale victim assistance or none at all. Many specialized organizations working in areas under the control or operation of NSAs have indicated that capacity building was needed to enhance the ability of signatories to perform mine action in a safe and efficient manner and to take ownership for that responsibility.

A lack of resources has also affected Geneva Call and its partners' capacity to provide assistance to signatory groups to implement the *Deed of Commitment*. Ironically, many donors, though supporting NSA engagement work, have been reluctant to support mine action in areas under the control of armed groups. In some instances, failure to promptly secure the necessary resources to destroy stockpiles held by signatories has resulted in their capture by non-signatory forces.

*NSA members  
attempting to demine  
in dangerous  
conditions with limited  
resources, 2007.*



## 15. Other challenges

Ongoing instability and insecurity have also hampered implementation of the *Deed of Commitment*. This has been the case particularly in Somalia, Sudan and Burma/Myanmar. In these countries, signatory groups have been involved in fighting since signing the *Deed of Commitment* and such situations have greatly affected their ability to implement their obligations, for instance in conducting mine action operations. In Somalia, for example, renewed clashes in 2006 between several signatory factions and the ICU forces have disrupted local mine action efforts as well as a joint mission by Geneva Call and the Danish Demining Group (DDG) designed to assist the USC/SNA/SRRC in destroying its stockpiles. Similarly, military operations along the border between Burma/Myanmar and Bangladesh prevented ARNO from destroying its stocks and Geneva Call and its technical partners from accessing the areas to provide assistance.

The security question is closely related to the political question of gaining access to regions where NSAs operate. Geneva Call and its partners have faced problems on this matter with some concerned States. To date, only one State (Turkey) has refused to cooperate with Geneva Call, thus affecting negatively the implementation and monitoring of the *Deed of Commitment* signed by the Kongra Gel/HPG. Another State (Bangladesh), out of concern for the potential harm to bilateral relations with a neighbouring country, expressed discomfort in 2003 at granting Geneva Call and its partners access to border areas to assist a signatory group in destroying its stockpiles. In India, Geneva Call's staff was not granted travel permits and visas to participate in follow-up activities with signatories (see section 7). Several international mine action organizations have also reported problems with some other concerned States, ranging from security threats, bureaucratic and technical difficulties (such as hindering the delivery of equipment, delays in visa issuance, no provision of maps of mined areas, etc), to the politicization of the landmine issue.



*NSA mine stocks waiting for destruction, 2005.*

*Photo Credit: Geneva Call*

## RECOMMENDATIONS AND STEPS FORWARD

- ▶ While important progress has been made by signatory NSAs in fulfilling their commitments, efforts should continue to ensure that they promptly comply with all their obligations. In particular, signatory groups that have yet to report on the measures they have taken to implement the *Deed of Commitment*, as well as those that have yet to account for the status of their stockpiled mines or start the destruction of such mines, should do so without further delay, as required by Articles 2 and 3. Though the *Deed of Commitment* does not set timelines for implementation, failure to take any action on these matters will undermine confidence in their commitment. Signatory NSAs also need to ensure that measures to enforce the *Deed of Commitment* are taken and reported upon. As required under Article 4, signatories have to issue orders to their rank and file, disseminate their mine ban policy, provide for disciplinary sanctions in case of non-compliance and integrate the *Deed of Commitment* provisions into their rules of engagement, military doctrines and/or codes of conduct.
- ▶ Progress in the implementation of the *Deed of Commitment* must continue to be monitored, on the ground as well as through meetings of signatories to the *Deed of Commitment*. Such meetings constitute a useful framework for reviewing progress, addressing practical challenges and promoting compliance.<sup>53</sup> In addition, signatory NSAs should do their utmost to enhance their implementation track record by reporting in an effective and regular manner on progress made, challenges faced, and priorities for assistance. Implementation action plans should also be developed on a more systematic basis between signatory NSAs and Geneva Call. While taking into account the particular situation and capacity of each group, these plans provide useful benchmarks against which to measure progress.
- ▶ At the same time, greater efforts should be made by the mine action community to assist signatories in implementing their commitment. Geneva Call's experience has shown that one of the main challenges to compliance is the lack of technical capacity and resources available to destroy stockpiles, to map and clear mined areas and to assist survivors. Pursuant to *Action # 46* of the *Nairobi Action Plan*, States Parties in a position to do so should make renewed efforts to support mine action in areas under the control of NSAs, particularly those that have agreed to abide by the Mine Ban Treaty's norms by signing the *Deed of Commitment*.<sup>54</sup> Similarly, Geneva Call and its partners should provide

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<sup>53</sup> A first meeting of signatories to the *Deed of Commitment* took place in October-November 2004 in Geneva, at the initiative of Geneva Call. See Geneva Call, Program for the Study of International Organization (s) and Armed Groups Project, *An Inclusive Approach to Armed non-State Actors and International Humanitarian Norms*, Report of the First Meeting of Signatories to Geneva Call's *Deed of Commitment*, Geneva Call, Geneva, 2005.

<sup>54</sup> The Swiss Government has played an active role to reflect on how to implement *Action # 46*. Cf. Swiss Federal Department of Foreign Affairs, *The Role of States in the Universal Ban on Anti-Personnel Mines in Internal Armed Conflict - Bringing Armed Groups into a Process to Ban Anti-Personnel Mines*, Report of a expert workshop organized by the Swiss Government in October 2004 in Montreux; *Moving forward on Action 46 of the Nairobi Action Plan 2005-2009*, Report of a panel debate held in June 2005 in Geneva,

more support to signatory groups by mobilizing the necessary technical and financial resources and advocating for international assistance in mine action.

- ▶ Concerned States, particularly States Parties, should facilitate or, at the very least, refrain from obstructing the implementation of the *Deed of Commitment* as well as mine action efforts by third parties or NSAs themselves in parts of their territory that remain outside their control. According to some legal experts, failure to do so by States Parties may be deemed as a breach of their obligations under the Mine Ban Treaty.<sup>55</sup> Among other measures, concerned States should support the work of humanitarian mine action organizations by promptly issuing visas for international staff, processing the delivery of equipment, and providing safe and unhindered access to NSA-controlled areas. In situations where they possess information or maps of mined areas under the control of signatory groups, they should provide such information and maps to humanitarian mine action organizations.



***Geneva Call's training manual  
on the Deed of Commitment  
provisions used by women mem-  
bers of a signatory NSA, 2006.  
Photo Credit: Geneva Call.***

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and *Mine Action and Armed Non-State Actors*, Report of a side-event co-organized by the Swiss Government and Geneva Call at the 7th Meeting of States Parties to the Mine Ban Treaty in September 2006 in Geneva. The Swiss Government has also repeatedly encouraged States Parties to report on *Action # 46* and has provided comprehensive recommendations on how to further NSA mine action.

<sup>55</sup> Kathleen Lawand (in her personal capacity), “Legal Aspects of Mine Action”, in Geneva Call and the ICBL NSA Working Group, *Mine Action in the Midst of Internal Conflict*, Report of a workshop organized by Geneva Call and the ICBL NSA Working Group in November 2005 in Zagreb. The paper contains the usual disclaimer that the views do not necessarily reflect the position of the ICRC.



### III. MONITORING THE *DEED OF COMMITMENT*

In signing the *Deed of Commitment*, NSAs commit under Article 3 to allow and cooperate in the monitoring and verification of their commitment by Geneva Call and other independent international and national organizations associated for this purpose with Geneva Call. Such monitoring and verification includes field visits and inspections, as well as the provision of information and reports.

Based on this article, Geneva Call has developed three mechanisms to monitor compliance with the *Deed of Commitment*: self-monitoring and self-reporting, third-party monitoring and field missions. These complementary mechanisms, detailed below, constitute the core of the *Deed of Commitment* monitoring system.

#### ACTION TAKEN AND PROGRESS MADE

##### 16. Self-monitoring and self-reporting

Self-monitoring and self-reporting have the advantage of ensuring that signatory NSAs take responsibility for their commitment. The responsibility for monitoring their own compliance and collecting information increases the sensitivity of signatories to their *Deed of Commitment* obligations and creates a greater sense of ownership. Such cooperation in information sharing is not a mere formality; it is a significant indication of the will of the signatories to abide by their commitment. The information provided also allows Geneva Call to assess the progress made in implementing the *Deed of Commitment*, the challenges faced and needs for assistance. As such, it provides baseline data against which compliance can be monitored.

As of October 2007, nearly all signatories (29) have reported to Geneva Call on the measures they have taken to implement their commitment, in accordance with Article 3 of the *Deed of Commitment*.<sup>56</sup> Information communicated to Geneva Call included the status of enforcement measures (orders, training and disciplinary sanctions), the compliance challenges faced, the numbers, types and locations of stockpiled mines, the actions taken to clear mined areas, to destroy stockpiles, to warn the population and to assist victims, any other commitments undertaken to respect humanitarian norms, etc. Information provided by NSAs often also included details on the general landmine/UXO situation, recent mine incidents and casualties, mine action efforts and their needs for assistance.

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<sup>56</sup> ARNO, CNDD-FDD, CNF/CNA, HPA, Jowhar Administration, JVA, KNO, Kongra Gel/HPG, KRG-KDP, KRG-PUK, LDF, MILF, NSCN-IM, NUPA, Polisario Front, PPLO, PSLF, Puntland, RPA-ABB, RRA (the two factions), SNF, SPLM/A, SPM, TNG, USC/North Mogadishu/SRRC, USC/SNA/SRRC, USC/SNA/SRRC/Nakuru and USC/SSA.

In addition, in accordance with Article 3, Geneva Call requested clarification from five signatories in relation to allegations of non-compliance with Article 1 of the *Deed of Commitment*: MILF, SPLM/A, Jowhar Administration, Puntland and Kongra Gel/HPG. Responses from those groups are reported under section 9.

### **17. Third-party monitoring**

Third-party monitoring relies on independent international and local organizations which, for the most part, have a permanent field presence and are familiar with the local situation. As such, depending on their geographical spread and monitoring capability, they are in a position to provide reliable information on the actions reported by signatories and their compliance with the *Deed of Commitment*.

Since 2000, Geneva Call has linked up with an increasing number of independent international and local organizations working in the field, in areas of operation or of control of the signatory NSAs. These include member organizations of the ICBL, Landmine Monitor researchers, humanitarian mine action NGOs, UN agencies and other bodies monitoring international humanitarian law, ceasefire agreements<sup>57</sup> and arms embargos.<sup>58</sup>

Such connections developed over the years have proven useful in monitoring implementation, particularly in areas where there have been concerns of non-compliance, given an increase in conflict and clashes. Third-party organizations have drawn Geneva Call's attention to mine incidents and helped to assess the credibility of allegations<sup>59</sup>; they have also helped to encourage compliance with the *Deed of Commitment* by signatory NSAs.

### **18. Regular follow-up visits and two verification missions**

Based on Article 3, Geneva Call can on its own initiative decide to send a field mission. No further approval is required from the NSAs, since consent has already been granted at the time of their signing. Moreover, such

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<sup>57</sup> The International Monitoring Team (IMT) in the Philippines, the Verification Monitoring Team (VMT) in Sudan and the United Nations Mission for the Referendum in Western Sahara (MINURSO). In June 2005, Geneva Call also organized training on mine/UXO safety for over 100 monitors of the Bantay Ceasefire, a civil society-led group monitoring the truce in southern Philippines.

<sup>58</sup> UN Monitoring Group on violations of the arms embargo in Somalia.

<sup>59</sup> This was the case for example in northern Somalia in 2004 when Geneva Call was informed by a third-party source of a landmine incident that had taken place in Sool, a region disputed by Somaliland and Puntland. Geneva Call immediately contacted the Puntland Mine Action Centre (PMAC). After a field investigation, the PMAC concluded that the incident in question occurred in an area where the two parties had not engaged in conflict and had been caused by an old mine planted in the late 1980s. Subsequent consultations with international mine action organizations operating in the region confirmed this version of the facts. Similarly, in June 2006, Geneva Call was able to determine, thanks to a reliable third-party source, that landmines laid by Mohamed Dhere's militia around the Jowhar airstrip against the ICU forces were AV mines. AV mines are not prohibited under the *Deed of Commitment* as long as they are not victim-activated. In Iraqi Kurdistan, during the United States-led war against Saddam Hussein's regime in 2003, Geneva Call consulted international NGOs operating on the ground about a report of mine use by Kurdish fighters published in a British newspaper. The NGOs questioned the reliability of the report. According to them, the mines had been laid by Iraqi forces.

“intrusive” field missions are to be granted access by signatory groups to all areas where relevant facts might be expected to be collated. No restrictions are provided to protect sensitive information, equipment or areas.

As of October 2007, Geneva Call and its partners have visited areas under the control or operation of 20 signatories.<sup>60</sup> Most of these visits were routine missions to review progress and/or assist in the implementation of the *Deed of Commitment* (mine ban education, stockpile destruction, EOD, etc). They often included mine action specialists from partner organizations, such as Mines Advisory Group (MAG), the Swiss Foundation for Mine Action (FSD), Norwegian People’s Aid (NPA), DDG and UN agencies. Generally speaking, the signatory groups visited have shown a high degree of cooperation and accountability (see section 11). In a few cases, the visits intended to monitor compliance with the *Deed of Commitment*, particularly during episodes of fighting involving signatory groups.<sup>61</sup>

In addition, Geneva Call has conducted two field verification missions to date. These were in April 2002 in Mindanao, southern Philippines, to investigate allegations of mine use made by the army against the MILF, and in July-August 2007 in northeast Somalia/Puntland to verify reports of mine acquisition from Ethiopia. Despite serious allegations of use and transfer by several States Parties, no fact-finding mission has ever been conducted under Article 8 of the Mine Ban Treaty.



*Geneva Call’s verification mission in Mindanao, southern Philippines, 2002.  
Photo Credit: Geneva Call.*

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60 ARNO, CNDD-FDD, HPA, Jowhar Administration, JVA, Kongra Gel/HPG, KRG-KDP, KRG-PUK, MILF, NSCN-IM, Polisario Front, Puntland, RRA (the two factions), SNF, SPLM/A, SPM, USC/SNA/SRRC, USC/SNA/SRRC/Nakuru and USC/SSA.

61 This was the case for example in south-central Somalia in May-June 2005. Geneva Call missions found no cases of non-compliance. However, there are strong indications that the SNF and the RRA factions used AV mines during clashes in Elwak and Baidoa. AV mines are not banned under the *Deed of Commitment* provided they are not victim-activated.

The Mindanao mission was headed by retired Indian Major General Dipankar Banerjee, and comprised a specialist from the FSD, the Landmine Monitor researcher for the Philippines and members of the Pakistan and Philippine Campaigns to Ban Landmines. The team received a briefing by the army and met with MILF representatives in Manila. Unfortunately, due to restrictions placed on the mission by the Ministry of Defence, foreign members could not travel to the sites in question and investigate specific mine incidents and IEDs recovered that had been attributed by the army to the MILF. Only the Filipino members travelled to Mindanao. Nonetheless, some clarifications were made with senior MILF leadership, in particular regarding the types of mines covered by the *Deed of Commitment* and the correct concept of “command detonation”. The group also renewed in writing its adherence to a total and unconditional ban on AP mines, understood to be victim-activated, during the field visit by the Filipino members of the mission.<sup>62</sup>

In Puntland, the Geneva Call team was accompanied by the PMAC. The mission met with the Minister of State for Security and with the General Commander of Puntland’s armed forces, who strongly denied the allegations and provided access to stockpiles in military camps in Galkayo and Garowe. While no AP mines were sighted in the Galkayo camp, Geneva Call examined large amounts of abandoned explosive ordnance and AV mines requiring urgent safe storage and destruction. In the Garowe camp, Geneva Call was able to verify that the small number of AP mines Puntland had disclosed in an earlier mission in September 2004 (48 PMP-71) remained stored and were awaiting destruction. During the mission, the Puntland authorities pledged to complete an inventory of AP mine stocks in all military camps. They also further requested the necessary technical assistance to destroy their mine stocks and other unsafe explosive ordnance.

## CHALLENGES

### **19. Lack of responsiveness and/or transparency from some signatory NSAs**

As with States, the level and accuracy of information provided by signatory NSAs has varied considerably. Some signatories have been very responsive and submitted quite detailed reports on their actions to Geneva Call while others have demonstrated less commitment and shared scant information. For some groups, limited resources and the presence of other more pressing issues have accounted for the lack of responsiveness or delays in reporting. Other NSAs may feel that reporting is unnecessary as the areas they control or operate in are not heavily mine affected. In other instances, signatories have experienced difficulties in acquiring and providing accurate information. This difficulty may be due to factors such as a culture of military secrecy, lack of political will or poor communication between military commanders and the person responsible for compiling the information. The Polisario Front, for example, in spite of good progress in the implementation of the *Deed of Commitment* (in particular stockpile destruction), has not yet disclosed the total number of AP mines it possesses in its stockpiles. In some cases, the difficulty appears to lie with the fact that accurate

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<sup>62</sup> See for more details Geneva Call, *Seeking Accountability*, Report of the Geneva Call Mission to the MILF in the Philippines, Geneva Call, Geneva/Manila, 2002.



information is simply not available as the mines are mixed with other weapons and scattered in different places (in military camps, caches or sometimes even private houses). No record has been kept of AP mines specifically and it is challenging, especially in conflict or unstable situations<sup>63</sup>, to find and account for the type and quantity of all stockpiled AP mines.

## **20. Inherent limitations of third-party monitoring**

Third-party monitoring has also shown some limitations. Firstly, some organizations have been denied access to information and faced problems of transparency. This has been the case with Landmine Monitor in southern Sudan for example. Secondly, some organizations have been reluctant to share detailed information because they feared it might jeopardize their operations or the safety of their staff. This has been particularly true in regions where only a few organizations are operating, thus increasing the risk of being traced back as the source of information. For example, in Somalia, the UN Monitoring Group was unwilling to disclose to Geneva Call their sources regarding the reported acquisition of mines by Puntland and Jowhar Administration. Thirdly, reports, particularly from organizations not specialized in mine action or media, lack details (on the type of mines or their activation mode), making an objective judgement on compliance difficult. Fourth, some organizations, notably local NGOs, may be biased or close to one of the parties to the conflict (either an NSA or the government). In such cases, their capacity to monitor compliance in an independent manner is questionable.

## **21. Lack of access due to insecurity and governments' travel restrictions**

The experience of the Mindanao mission has illustrated that the main challenges with regards to verification missions have proven to be insecurity and travel restrictions introduced by governments. First, the visit to the MILF could only take place more than one year after the allegations of non-compliance were made. This was due mainly to security concerns put forward by the Department of National Defence (DND). Throughout 2001, the DND invariably stated that the mission, though welcomed, was deemed inadvisable because of security considerations and suggested waiting for the establishment of the ceasefire implementation mechanisms. Secondly, the mission, which finally took place in April 2002, remained incomplete as on-site verification was impossible due to travel restrictions placed by the DND against the foreign members of the mission. Aside from safety concerns, the DND, in spite of a positive recommendation from the Presidential Adviser on the Peace Process, raised, at the last moment, political and foreign policy considerations about the mission and required the clearance of the Department of Foreign Affairs for the foreign members to be able to visit the MILF. The clearance came too late and, in the end, only the Filipino members of the mission travelled to Mindanao. Since 2002, Geneva Call has faced no further restrictions to its routine visits to this region.

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<sup>63</sup> This has been the case in Somalia. In Gedo region, the SNF initially reported possessing 200 mines (both AP and AV). In 2006, however, after a collection process of mines and other explosive ordnance held by sub-clan militias and individuals, their number was revised up to thousands of items. The process is still ongoing as some are reluctant to hand over their mines or have started to harvest the explosives for economic purposes and not all stocks are known by the SNF.

Security concerns and government restrictions have also affected other field missions. NSAs are usually in a situation of armed conflict and it may be dangerous to monitor compliance. In Somalia, a volatile security situation and sporadic fighting have delayed field visits and temporarily limited Geneva Call's access to certain areas.<sup>64</sup> In Turkey, as noted above, Geneva Call was unable to send a field verification mission due to the government's refusal to cooperate.

Aside from security and/or political considerations, field visits have sometimes been challenged due to lack of funding and logistical constraints. In Somalia again, it took more than a year to raise the necessary funds to undertake the first field visit to follow up on the signing of the *Deed of Commitment* by faction leaders. Not all areas are accessible by air, which poses additional security challenges as road travel is dangerous and requires expensive armed escort. The verification mission conducted in 2002 to the Philippines was also delayed due to insufficient funding.

Other challenges relate to the process of verification itself, particularly in areas not under the control of signatory NSAs or in remote areas where there is little or no international presence. Verifying allegations of AP mine transfer or acquisition is particularly problematic because of their small size and portability. As with States, the difficulty lies in knowing whether all stocks have been declared or whether some amounts are being secretly withheld. Verification of production is also difficult as many NSAs have easy access to explosives and the knowledge to manufacture homemade mines or IEDs. The use of AP mines is perhaps more verifiable as it is unlikely to be kept secret for long, particularly heavy use. The difficulty however relates to identifying the nature of the device exploded (whether it is covered under the *Deed of Commitment*), to determining the time of use (whether it is an old or newly laid mine) and to attributing responsibility, especially when several armed actors operate in the same territory.

## RECOMMENDATIONS AND STEPS FORWARD

- ▶ Signatory NSAs that have not yet provided information on measures they have taken to implement the *Deed of Commitment* are urged to comply with their obligation without further delay. They should also be encouraged to take appropriate measures to improve the quality of their reporting. Measures that could be taken include the issuance of orders to secure the release of information by the rank and file, the training of the focal persons in charge of collecting and reporting information, and the appointment of senior military commanders to assist in such processes. Geneva Call should assist signatories in filling out their implementation reports in a proper and timely manner.
- ▶ Geneva Call's network of third-party monitors should be expanded. When security permits, local NGOs and community-based organizations in particular could play a critical role in monitoring compliance. Geneva Call should increase its interaction with such organizations and enhance their

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<sup>64</sup> This was the case for example in the Gedo region in November 2006 when a security incident prevented Geneva Call and its technical partner from inspecting mine stocks collected by the SNF and arranging for their destruction.

monitoring capacity through training and material support. The involvement of civil society at the grassroots level will increase Geneva Call's effectiveness in monitoring the *Deed of Commitment* and allow for a preliminary investigation before an international field verification mission is eventually deployed.

- ▶ Routine missions should be conducted more frequently to monitor progress in the implementation of the *Deed of Commitment*, particularly in areas where there is little or no international presence. Regular field missions are crucial for cross-checking action reported by signatory groups and detecting potential inconsistencies. It also contributes to encouraging compliance by reminding signatories of their obligations. Moreover, Geneva Call should enhance its capacity to ensure a rapid deployment of field verification missions in case of serious allegations of violations of the *Deed of Commitment*.
- ▶ Concerned States, particularly States Parties to the Mine Ban Treaty, should facilitate field verification missions and provide enabling conditions for Geneva Call to safely and expeditiously monitor compliance with the *Deed of Commitment*. Third-party States should encourage concerned States to facilitate the monitoring of the *Deed of Commitment* and, for those in a position to do so, provide Geneva Call with sustained funding so that it can perform this function in a more effective manner. Third-party organizations could also contribute by sharing more proactively information on the level of implementation of the *Deed of Commitment* and by facilitating Geneva Call's monitoring missions technically and logistically.



*Roundtable discussion on the mine ban with representatives of signatory NSAs and the concerned governments, 4MSP, Geneva, 2002.  
Photo Credit: Geneva Call.*

## CONCLUSION

Since the launch of Geneva Call in 2000, significant progress has been made in engaging NSAs in the landmine ban. To date, 34 groups from Burma/Myanmar, Burundi, India, Iraq, the Philippines, Somalia, Sudan, Turkey and Western Sahara have signed the *Deed of Commitment*. They have by and large complied with its terms, refraining from using AP mines and cooperating in mine action. In addition, nine other NSAs have committed to prohibit or limit the use of AP mines in areas where they operate. In some countries, NSA mine ban commitments facilitated the launch of new mine action programs by specialized organizations, as well as the accession of their respective States to the Mine Ban Treaty, thus further universalizing the mine ban norm.

Of course, many challenges remain, notably the continued use of AP mines by NSAs, the lack of financial and technical resources to support implementation of the *Deed of Commitment* and insufficient cooperation from some concerned States. Yet this progress report illustrates how humanitarian engagement with NSAs can work successfully in practice. Most of the achievements described would not have been possible without the efforts of Geneva Call, its partners and donors. In this regard, the *Deed of Commitment* has proven to be a very practical and effective tool. Compared with other instruments such as unilateral declarations, it has the advantage of being an internationally recognized mechanism, with the Republic and Canton of Geneva acting as custodian and a signing ceremony that builds momentum around the commitment. It provides for a comprehensive ban on AP mines, cooperation in mine action, enforcement and accountability measures. This mechanism, while complementing the inter-State framework, has enabled NSAs to express their consent to be bound by the Mine Ban Treaty's rules without affecting their legal status, and to be held accountable for their commitment – making these rules their own.

Beyond the landmine issue, NSA engagement work has contributed to peace by building confidence among parties to conflict in several countries. It also served as an entry point for dialogue on wider humanitarian and human rights issues. Such dialogue is actually envisaged in the *Deed of Commitment* and could provide a basis for engaging NSAs to adhere to other norms. Geneva Call is currently exploring this possibility regarding the non-recruitment and non-use of child soldiers.

Ultimately, Geneva Call's experience with landmines demonstrates that there is an alternative way of dealing with NSAs, even those labelled as "terrorists", to denunciation, criminalization and military action, and that an inclusive approach, based on dialogue and persuasion, can be effective in securing their compliance with international humanitarian norms.

## ANNEX

### DEED OF COMMITMENT UNDER GENEVA CALL FOR ADHERENCE TO A TOTAL BAN ON ANTI-PERSONNEL MINES AND FOR COOPERATION IN MINE ACTION

WE, the (NAME OF THE NON-STATE ACTOR), through our duly authorized representative(s),

**Recognising** the global scourge of anti-personnel mines which indiscriminately and inhumanely kill and maim combatants and civilians, mostly innocent and defenceless people, especially women and children, even after the armed conflict is over;

**Realising** that the limited military utility of anti-personnel mines is far outweighed by their appalling humanitarian, socio-economic and environmental consequences, including on post-conflict reconciliation and reconstruction;

**Rejecting** the notion that revolutionary ends or just causes justify inhumane means and methods of warfare of a nature to cause unnecessary suffering; Accepting that international humanitarian law and human rights apply to and oblige all parties to armed conflicts;

**Reaffirming** our determination to protect the civilian population from the effects or dangers of military actions, and to respect their rights to life, to human dignity, and to development;

**Resolved** to play our role not only as actors in armed conflicts but also as participants in the practice and development of legal and normative standards for such conflicts, starting with a contribution to the overall humanitarian effort to solve the global landmine problem for the sake of its victims;

**Acknowledging** the norm of a total ban on anti-personnel mines established by the 1997 Ottawa Treaty, which is an important step toward the total eradication of landmines;

NOW, THEREFORE, hereby solemnly commit ourselves to the following terms:

**1.** TO ADHERE to a total ban on anti-personnel mines. By anti-personnel mines, we refer to those devices which effectively explode by the presence, proximity or contact of a person, including other victim-activated explosive devices and anti-vehicle mines with the same effect whether with or without anti-handling devices. By total ban, we refer to a complete prohibition on all use, development, production, acquisition, stockpiling, retention, and transfer of such mines, under any circumstances. This includes an undertaking on the destruction of all such mines.

**2.** TO COOPERATE IN AND UNDERTAKE stockpile destruction, mine clearance, victim assistance, mine awareness, and various other forms of mine action, especially where these programs are being implemented by independent international and national organizations.

**3.** TO ALLOW AND COOPERATE in the monitoring and verification of our commitment to a total ban on anti-personnel mines by Geneva Call and other independent international and national organizations associated for this purpose with Ge-

neva Call. Such monitoring and verification include visits and inspections in all areas where anti-personnel mines may be present, and the provision of the necessary information and reports, as may be required for such purposes in the spirit of transparency and accountability.

**4.** TO ISSUE the necessary orders and directives to our commanders and fighters for the implementation and enforcement of our commitment under the foregoing paragraphs, including measures for information dissemination and training, as well as disciplinary sanctions in case of non-compliance.

**5.** TO TREAT this commitment as one step or part of a broader commitment in principle to the ideal of humanitarian norms, particularly of international humanitarian law and human rights, and to contribute to their respect in field practice as well as to the further development of humanitarian norms for armed conflicts.

**6.** This *Deed of Commitment* shall not affect our legal status, pursuant to the relevant clause in common article 3 of the Geneva Conventions of August 12, 1949.

**7.** We understand that Geneva Call may publicize our compliance or non-compliance with this *Deed of Commitment*.

**8.** We see the desirability of attracting the adherence of other armed groups to this *Deed of Commitment* and will do our part to promote it.

**9.** This *Deed of Commitment* complements or supersedes, as the case may be, any existing unilateral declaration of ours on anti-personnel mines.

**10.** This *Deed of Commitment* shall take effect immediately upon its signing and receipt by the Government of the Republic and Canton of Geneva which receives it as the custodian of such deeds and similar unilateral declarations.

*Under Article 1 of the Deed of Commitment, anti-personnel (AP) mines are defined as those devices which effectively explode by the presence, proximity or contact of a person, including other victim-activated explosive devices and anti-vehicle mines with the same effect whether with or without anti-handling devices. This includes commercially manufactured AP mines, victim-activated improvised explosive devices (IEDs), and anti-vehicle mines that can be triggered by the weight of a person.*



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