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ENGLISH only



Govern d'Andorra
Missió Permanent d'Andorra a l'OSCE
i als altres organismes internacionals amb seu a Viena

NV OSCE 06/24

NOTE VERBALE

The Permanent Mission of the Principality of Andorra to the Organization for Security and Cooperation in Europe presents its compliments to all Delegations/Permanent Missions to the OSCE and to the Conflict Prevention Centre and, in accordance with FSC.DEC/7/04, has the honour to transmit herewith Andorra's reply to the "OSCE Questionnaire on Anti-Personnel Landmines and Explosive Remnants of War" for the reporting year 2023 and relevant attachments.

The Permanent Mission of the Principality of Andorra to the OSCE avails itself of this opportunity to renew to all Delegations/Permanent Missions to the OSCE and to the Conflict Prevention Centre the assurances of its highest consideration.



Vienna, 21 June 2024

DELEGATIONS/PERMANENT MISSIONS TO THE OSCE
OSCE CONFLICT PREVENTION CENTRE
VIENNA

ANDORRA'S RESPONSE TO THE OSCE QUESTIONNAIRE ON ANTI-PERSONNEL LANDMINES - 2023

Part I

1. Is your country a State Party to the 1996 Amended Protocol II on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and other devices annexed to the 1980 Convention on conventional Weapons (CCW)?

For the time being, the Principality of Andorra has not yet signed the Protocol II on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and other devices annexed to the 1980 Convention on conventional Weapons (CCW), as amended on 3rd May 1996.

2. If yes: Please attach the most recent annual report submitted by your country in accordance with article 13 of the Amended Protocol or give the appropriate electronic address for the report.
3. If no: Is your country considering ratification/accession to the Amended Protocol II?

The Principality of Andorra has no major concerns with the Amended Protocol II but for the time being, is not considering its ratification/accession.

4. What measures have been taken to prevent the indiscriminate use of mines, booby-traps and other devices?

No specific measures have been taken since there is no production, use nor transfer of anti-personnel landmines in the territory of Andorra.

However, in order to prevent and to repress any prohibited activity according to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their destruction, the Andorran Criminal Code implements the Convention in the articles 259, 260, 261, 262, 267, 362 and 507.

An unofficial translation of the provisions of the Andorran Criminal Code mentioned in the previous section is attached to the document.

5. Would your country be interested in receiving assistance related to the implementation of this Protocol? If so, please describe.

For the time being, no assistance is required.

6. Does your country have the capacity to assist others related to this Protocol? If so, please describe.

No.

Part II

7. Has your country ratified or acceded to the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction?

The Principality of Andorra signed the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on their Destruction in Ottawa on 3rd December 1997. The Convention was ratified on 29 June 1998, and it came into force on 1st March 1999.

- 8.(a) If yes, please attach the most recent report submitted by your country in accordance with Article 7 of the Convention or give the appropriate electronic address for the report.

The last report in accordance with Article 7 of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on their Destruction was submitted by Andorra to the United Nations on March 2023 for the reporting period from 1 February 2021 to 31 December 2022.

- (b) If no, is your country considering ratification/accession to the Convention?
- (c) Has your country adopted legislation to address the humanitarian objectives of the Convention, or taken any specific measures regarding the use, production, storage, transfer and destruction of anti-personnel landmines? In case a moratorium has been introduced, what is its scope and duration and when was it introduced?

There is no production nor storage or transfer of anti-personnel landmines in the territory of Andorra, but still the Andorran Criminal Code (article 267) envisages penal responsibility for the possession or unauthorized disposal of explosive, flammable, incendiary or asphyxiating substances or devices, or their components, as well as their manufacture, transport, import, export, sale or cession.

9. Does your country have any specific measures in place to provide assistance to victims?

Andorra does not have any structure in place at national level. However, Andorra contributes through the United Nations to the Office of the Special Representative of the Secretary General for children in military conflict situation and to the “Voluntary Trust Fund for Assistance in Mine Clearance” since 1998, as well as to the Mine Action activities of the International Committee of the Red Cross (See detailed information in the Annex).

10. Does your country require assistance in mine clearance, stockpile destruction, mine awareness and or victim assistance? If so, please describe.

No assistance is required; there is no production, use, storage or transfer of anti-personnel landmines in Andorra.

11. Does your country have the capacity to assist others in mine action? If so, please describe.

Andorra has no technical expertise or capacity in mine actions. However, in order to contribute to the international efforts on this issue, Andorra contributed in 2016, 2017 and 2018 with 15.000 euros to the Mine Action activities of the International Committee of the Red Cross. Additionally, Andorra has contributed to the “Voluntary Trust Fund for Assistance in Mine Clearance” since 1998 (See detailed information of these contributions in the Annex). Finally, Andorra contributes to the United Nations to the Office of the Special Representative of the Secretary General for children in military conflict situation.

ANNEX:

1) Unofficial translation of the provisions of the Andorran Criminal Code mentioned in Part I. 4

- Article 259. Destruction

Whoever, by explosion, fire or using any other means of similar destructive power, causes the destruction or serious deterioration of a building, a public place or a public work, industrial installation, bridge, dam, means of collective transport or communications or supply system or similar infrastructures, must be punished with a prison sentence of two to five years.

If the fact can result in a danger to the life or health of people, the penalty must be three to eight years in prison.

The attempt is punishable.

- Article 260. Destruction due to imprudence

Anyone who, through serious imprudence, causes havoc must be punished with imprisonment or a fine of up to 30,000 euros. If the fact can result in a danger to the life or health of people, the penalty of arrest must be imposed.

- Article 261. Placing or sending explosives

Anyone who places or sends an explosive device in a way that could endanger the life or health of people must be punished with a prison sentence of one to four years.

- Article 262. Violation of safety rules with specific danger to people

Anyone who, in the manufacture, handling, transport, possession or marketing of materials, waste, artifices, organisms or dangerous substances, violates the established safety rules in a way that may endanger the life or health of people must to be punished with a prison sentence of up to two years or arrest.

In any case, the penalty of disqualification for the exercise of the profession or position or the deprivation of the driver's license for up to six years must also be imposed.

The same penalties must be imposed on anyone who, in the construction or demolition of one of the assets or in the execution of one of the works described in article 259, violates the established safety rules and may endanger the life or health of people.

- Article 267. Traffic and storage of explosive and incendiary devices

1. The possession or unauthorized deposit of explosive, flammable, incendiary or asphyxiating substances or devices, or their components, as well as their manufacture, transport, import, export, sale or transfer, must be punished with a prison sentence of three to eight years. The penalty must be imposed in its upper half if it is a question of non-regulated substances.

2. The court may apply the reduction of the penalty provided for in article 53 provided that the circumstances of the fact and the culprit show little danger.

3. The attempt is punishable.

- Article 362. Definition of terrorism

1. Acts of terrorism constitute:

a) An act that constitutes an infringement within the framework and according to the definition contained in one of the following treaties:

- Convention for the suppression of unlawful seizure of aircraft (The Hague, 16 December 1970).

- Convention for the suppression of unlawful acts against the safety of civil aviation (Montreal, September 23, 1971).

- Convention on the prevention and punishment of crimes against internationally protected persons, including diplomatic agents, adopted by the General Assembly of the United Nations on December 14, 1973.

- International convention against the taking of hostages, adopted by the General Assembly of the United Nations on December 17, 1979.

- Convention on the physical protection of nuclear materials (Vienna, 26 October 1979).

- Protocol for the suppression of unlawful acts of violence at airports serving international civil aviation, supplementary to the Convention for the suppression of unlawful acts against the safety of civil aviation (Montreal, February 24, 1988).

- Convention for the suppression of illegal acts against the safety of maritime navigation (Rome, March 10, 1988).

- Protocol for the suppression of illegal acts against the safety of fixed platforms located on the continental shelf (Rome, March 10, 1988).

- International convention for the suppression of terrorist bombings, adopted by the United Nations General Assembly on December 15, 1997.

b) Any act intended to cause death or serious bodily injury to a civilian or any other person who does not take an active part in the hostilities in a situation of armed conflict when the purpose of said act, by its nature or the circumstances that the 'surround, is to intimidate a population or force a government or an international organization to perform or refrain from performing any act.

c) To the extent that they are related to an individual or collective project whose objective is the subversion of the constitutional order or the serious attack on public order and peace through intimidation and terror, the following infractions:

- Voluntary attacks against the life and integrity of people.*
- Illegal arrest, kidnapping, threats or coercion.*
- Thefts, extortions, damages, vandalism, fires, as well as computer offenses defined in this Code.*
- The storage of weapons or ammunition, the possession or storage of explosive, flammable, incendiary or asphyxiating substances or devices, or their components, as well as the manufacture, trafficking, transport or supply in any form.*

2. It is considered a terrorist:

- The person who commits or attempts to commit, as the author or as an accomplice, any act of terrorism.*
- The person who belongs to, acts in the service of or collaborates with a terrorist group.*

3. A group of people organized to carry out one or more acts of terrorism constitutes a terrorist group.

- Article 507. False alarm

Whoever, with the purpose of attacking public peace and tranquility, falsely claims the existence of explosive devices, or of other situations that may entail a serious danger, must be punished with imprisonment or a fine of up to 3,000 euros, given the alarm or the alteration of the order actually produced.

2) Andorra contributions to Mine Action Programmes :

Voluntary Trust Fund for Assistance in Mine Action (UN)

YEAR	AMOUNT (in US Dollars)	AMOUNT (in Euros)
1998		8.586,60
1999		10.460,00
2000	11.100,00 USD	12.491,70
2001	11.750,00 USD	13.264,80
2002	12.925,00 USD	13.312,40

2003		14.217,00
2004		16.000,00
2005		20.000,00
2006		25.000,00
2007		26.000,00
2008		20.000,00
2009		20.000,00
2010		20.000,00
2011		15.000,00
2012		10.000,00
2013		15.000,00
2014	20.537,85 USD	15.000,00
2015		15.000,00
2016		15.000,00
2017		15.000,00
2018		15.000,00
2019		15.000,00
2020		15.000,00
2021		15.000,00
2022	10.942,42 USD	10.000,00
2023		10.000,00

Office of the Special Representative of the Secretary General for children in military conflict situation (UN)

YEAR	AMOUNT (in US Dollars)	AMOUNT (in Euros)
2005		21.000,00
2006		25.000,00
2007		27.000,00
2008		28.000,00
2009		28.000,00
2010		29.000,00
2011		25.000,00
2012		20.000,00
2013		25.000,00
2014		25.000,00
2015		25.000,00
2016		25.000,00
2017		25.000,00
2018		25.000,00
2019		25.000,00
2020		25.000,00
2021		25.000,00
2022		25.000,00
2023	27.355,90 USD	25.000,00