

## **The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction**

(Also known as the Ottawa Treaty, the Anti-Personnel Mine Ban Convention and the Mine Ban Treaty)

**Canada's** ratification of the treaty through domestic legislation was registered upon signature, 3 December 1997.

**Adoption:** The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction was first open for signature on 3 December 1997. The treaty came into effect on March 1, 1999, six months after forty ratifications were confirmed.

**Entry into force:** 1 March 1999.

**Number of signatories and ratifications/accessions:** As of June 2016, there are 164 State Parties to the Convention, (32 states have not signed and remain outside the treaty, one state (the Marshall Islands) has signed but not ratified. The ratification option closed on 1 March 1999 for states that did not sign by that date. States can still accede to (join) the Treaty.

### **Summary Information**

The purpose of the convention is to eliminate the humanitarian impact of antipersonnel mines through prohibition of their use, possession, transfer and production. The treaty also obliges signatories to remove mines from the ground and to destroy stockpiles.

### **History**

An international civil society campaign organized by the International Campaign to Ban Landmines (ICBL) was established in 1992 to advance progress towards a treaty banning landmines. While at first the ICBL was comprised of a handful of non-governmental organizations, it quickly grew to a campaign of more than two thousand groups from around the world. A critical leadership role was also played by the International Committee of the Red Cross (ICRC) which extensively outlined aspects of the humanitarian crisis of landmines. In 1996, the ICRC issued a booklet (Antipersonnel Mines: Friend or Foe) which was written by military experts. The study concluded that the military utility of mines was outweighed by their detrimental humanitarian impact. Conclusions included:

“The material which is available on the use of AP landmines does not substantiate claims that AP mines are indispensable weapons of high military value. On the other hand, their value for indiscriminate harassment when used by irregular forces can be high. Their use for population control has regrettably been all too effective.”

“The cost to forces using AP mines in terms of casualties, limitation of tactical flexibility and loss of sympathy of the indigenous population is higher than has been generally acknowledged.”

And most significantly: “The limited military utility of AP mines is far outweighed by the appalling humanitarian consequences of their use in actual conflicts. On this basis their prohibition and elimination should be pursued as a matter of utmost urgency by governments and the entire international community.”

Also in 1996, the Canadian government organized an international meeting, attended by about 50 interested governments, to fast track the process towards resolving the AP mine problem. At this meeting, Canada’s Foreign Minister Lloyd Axworthy declared a comprehensive ban was required to address the humanitarian impact of antipersonnel mines. He urged governments to return to Ottawa the next year to sign a treaty. Not all governments at the meeting in 1996 were prepared to sign immediately (including the US government). But on December 3, 1997, when the Convention was opened for signature in Ottawa, 122 countries did sign.

The treaty came into effect on March 1, 1999, six months after forty ratifications were confirmed.<sup>3</sup> As of 2016, several key states remain outside the treaty, although use of mines is drastically reduced, included by non-signatories. Among those outside the Ottawa Treaty are: USA, Russia, China, India, Pakistan.

#### *Ottawa Process:*

Significant in the campaign towards the establishment of a treaty was an effort to draw together nongovernmental organizations, like-minded middle and smaller power states, the International Committee of the Red Cross and leading ban-advocating governments (Canada and Norway in particular). The organization of this momentum was called The Ottawa Process, named after the City in which the Canadian government and key meetings were located.

### **Key Provisions**

#### Article 1

**Never, under any circumstances, use** antipersonnel mines, nor develop, produce, or otherwise acquire, stockpile, retain or transfer them; nor to encourage or induce others to violate prohibitions of the treaty

Interoperability: There is no interoperability clause (referring to states involved in military conflicts with Non-state Parties).

#### Article 4

Destroy mines in their **stockpiles** within four years

#### Article 5

**Clear** all mined areas in their territory within 10 years. Extensions for time frames are permitted within Article 5.

#### Article 6: Assistance

Request for international assistance and cooperation is outlined. Aid is expected from those in a position to provide it, and to enable fulfillment of treaty obligations, such as for mine clearance, destruction of stockpiles, care and rehabilitation, and social and economic reintegration of mine victims. They shall aid in the establishment of mine awareness programs and ensure the exclusion of civilians from mined areas.

#### Article 7: Reporting

Each state party shall provide an annual report to the Secretary-General on the status of their mine situation (stockpiles, national implementation measures, location of mined areas (if any), clearance programs, etc.) The UNSG will then transmit all reports to the States Parties.

States Parties shall review reports at their Review Conferences (Article 12) which will issue final reports on treaty implementation.

#### Article 8: Compliance

Requests for clarification about the practice of a state party can be submit through the UN Secretary-General, to that state party. Clarifications can be requested at the next meeting of States Parties, or a Special Meeting of States Parties. Majority decisions can be issued there, or fact-finding missions can be authorized. Fact-finding reports can then be considered by the States Parties to resolve concerns. Decisions are to be made by consensus, or by a 2/3 majority if necessary.

#### Article 9: National Implementation

Adopt national implementation measures to ensure that the terms of the treaty are upheld in their territory

Article 19: No reservations are permitted.

### **Canadian Commitments and Responsibilities**

The Canadian Anti-Personnel Mines Convention Implementation Act was assented to on November 27, 1997.

#### *Destruction of Stockpiles*

Canada was in possession of a variety of mines, totaling 90,000, but final destruction of those remaining occurred in November 1997, with the exception of a small number allowed by the treaty for military training purposes (no more than 2000 were retained).

#### *Interoperability:*

In Canada's implementing legislation 6(3)d:

Participation in operations, exercises or other military activities with the armed forces of a state that is not a party to the Convention that engage in an activity prohibited under subsection (1) or (2), if that participation does not amount to active assistance in that prohibited activity.

### *Assistance and Funding*

In 1997, the Canadian government set up the Canadian Landmine Fund through which monetary contributions were distributed for mine action. The initial contribution to the fund was \$100 million (Cdn) over ten years. It was replenished for the five years through to 2008 with C\$85 million.

Canadian funds were used to support base funding of the ICBL, the Landmine Monitor publication, mine clearance, survivor assistance, stockpile destruction, technology development (Canadian Centre for Mine Action Technologies), and diplomatic efforts towards universalization of the treaty.

Between 1999 and 2011, Canada was a top-ten funder of mine action worldwide. From 2010-2014, Canadian government contributions totaled C\$71.2 million. In 2014, Canada contributed about C\$8.46 million to mine action projects in seven countries, about half of the contributions being directed towards Ukraine and Iraq.

The Canadian Landmine Fund was officially closed in March 2008. Mine action funding was “mainstreamed” and funding was directed through other development and emergency response routes.

### **International Monitoring and Implementation**

Treaty compliance is required through the provisions of Article 8, which describes formal and informal steps that can be used to address non-compliance, including requests for clarification, fact-finding missions, and special Meetings of States Parties. To date, States Parties have used a collaborative, informal system and have never used the treaty’s formal Article 8 mechanisms.

Aside from reporting and political expectations, the Ottawa Treaty does not include an enforcement mechanism. There are however, regularized meetings of States Parties, the possibility of Special Meetings called to address concerns and violations. In addition, an extensive civil society driven monitoring mechanism was established in June 1998, the Landmine Monitor (later expanded to include monitoring of the Convention on Cluster Munitions, and renamed Landmine and Cluster Muniton Monitor). The first annual Landmine Monitor report was published in May 1999. Annual reports have been published each year from that date. The report changed its name in December 2009 to Landmine and Cluster Muniton Monitor when the Landmine and Cluster Muniton treaty campaigns combined. Humanitarian demining has always required that all unearthed and exposed explosive remnants of war are cleared, including mines, submunitions, grenades and mortar bombs, booby traps, rockets, artillery munitions, guns and small arms ammunition, and large airdropped bombs, etc.

## **References**

[International Campaign to Ban Landmines](#)

[Treaty Status](#)

[Treaty Text](#)

[Anti-Personnel Landmines: Friend or Foe? A Study of the Military Use and Effectiveness of Anti-Personnel Mines](#)

[Anti-Personnel Mines Convention Implementation Act](#)

[Landmines \(Mines Action Canada\)](#)

[Landmine & Cluster Munition Monitor](#)

[Canadian Government Financial Support for Mine Action](#)