

**BUILDING A NORM: THE BANNING OF  
ANTI-PERSONNEL LANDMINES**

by

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## **ABSTRACT**

Anti-personnel (AP) landmines have historically been used as a military tool. The humanitarian consequences of AP mines have generated support for an absolute ban on their use. Based on pre-existing principles of humanitarian law, non-governmental organizations (NGOs) campaigned for an international agreement banning AP mines. Canada and a group of like-minded states and NGOs provided the leadership and momentum necessary to gain a broad support for the Ottawa Treaty, which prohibits AP mines. The qualities of the treaty, including timeliness and unequivocal language have helped to create a norm against landmines within the international community. By surveying trends of recent landmine behaviour, this paper documents a trend of growing support and acknowledgement of the norm. This project will demonstrate how recent behaviour by many state actors is largely consistent with a constructivist explanatory perspective of international affairs.

## **DEDICATION**

For Adam, my partner in everything I do.

## **ACKNOWLEDGEMENTS**

I would like to thank my advisory committee at Simon Fraser University, particularly my supervising professor Dr. Douglas Ross, for their help and support. I acknowledge and thank Mines Action Canada and The International Campaign to Ban Landmines for their incredible work in this field, and providing many of the resources cited in this paper. In addition, I would like to thank my family for their support, especially my husband Adam and my soon to be born child, without whose support and imminent arrival I may not have been spurred to complete this work. It is sure proof that urgent deadlines contribute to a successful outcome!

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## LIST OF ACRONYMS AND ABBREVIATIONS

AP	Anti-Personnel
CCW	<i>Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, Protocol II on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices</i>
DARPA	Defense Advanced Research Projects Agency
DMZ	Demilitarized Zone
HESF	Hand-Emplaced Sensor Field
ICBL	International Campaign to Ban Landmines
ICRC	International Committee of the Red Cross
LTTE	Liberation Tigers of Tamil Eelam
NGO	Non-governmental organizations
NSAWG	Non-State Actors Working Group
NSD-A	Non-Self Destructing – Alternative
SHM	Self-Healing Minefield
US	United States of America
WMD	Weapons of Mass Destruction

# I. INTRODUCTION

Landmines have been called weapons of mass destruction (WMD) in slow motion.<sup>1</sup> Like traditional WMD, landmines have a history of military utility and proponents of mine use argue that anti-personnel (AP) mines play a vital role in security. AP mines have been deployed globally and their destructive force has created a humanitarian disaster. It is because of this humanitarian cost that the abolition of AP mines has been the subject of a global campaign. The campaign began with non-governmental organizations (NGOs), and eventually led to the Ottawa Process, a multilateral negotiation process designed to create a treaty prohibiting landmines. The goal of the campaign and the Ottawa Process was not only to build a treaty, but also to build support for an international standard of behaviour, or norm against landmine use.

This paper argues that there were several central factors that contributed to the successful creation of a treaty prohibiting landmines, and support for a norm. First, there was a tradition of humanitarian law and norms upon which the landmine issue could be based that codified the principles of proportionality, discrimination and superfluous injury, principles which supported a mine ban.<sup>2</sup> These pre-established humanitarian norms provided international legal precedents for a landmine norm. Secondly, the methods employed by NGOs pursuing a mine ban provided an organizational platform for the issue. NGOs acted as norm entrepreneurs to bring the issue to the forefront of

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<sup>1</sup> In 1999 it was estimated that mines caused 26,000 casualties per year. Casualty data is difficult to collect, but it is now estimated that there are between 15,000 and 20,000 new casualties annually. International Campaign to Ban Landmines, *Landmine Monitor Report 2004*, (Washington, DC: Human Rights Watch, 2004), 48-49.

<sup>2</sup> Richard Price argues that the landmine norm resonates with pre-established norms of humanitarian law, an advantage in norm development described as grafting norms, embedded norm discrimination, or nesting, in the literature. Richard Price, "Reversing the Gun Sights: Transnational Civil Society Targets Land Mines," *International Organizations* 52, no. 3 (1998): 613-644, 628.

international public awareness. Finally, the Ottawa Process itself created a catalytic environment for building support for the norm because of Canadian leadership, momentum building and the simplicity of the treaty. These factors created not only the *Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and their Destruction*, (the Ottawa Convention),<sup>3</sup> but also a widely distributed norm against landmines.

Further, by surveying international landmine behaviour with respect to participation and compliance with a landmine ban, this paper evaluates the effectiveness of the landmine norm. Current trends indicate that indeed the norm is achieving a wide degree of support and is modifying the behaviour of landmine actors. The first Review Conference of the Ottawa Convention was held in Nairobi from November 29 to December 3, 2004 to discuss the progress of the treaty (the Nairobi Summit). This continuing foreign policy interest is not reflected in the current debates in political science. The bulk of debate regarding the prohibition of AP mines occurred before and during the Ottawa Process, but it is only now that some time has passed, that trends of state behaviour can be surveyed to evaluate the effectiveness of the landmine norm.

## **Structure**

Following this introduction is a discussion of the constructivist theoretical underpinnings of this paper. This provides an introduction to the paper's argument and format. The second section of this paper provides a background for the issue of anti-personnel mines. It explains the history of landmine use, and the turning point at which it

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<sup>3</sup> "Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and their Destruction," September 18, 1997, *United Nations Treaty Series* 2056: 241.

became apparent that the humanitarian consequences of mines were unacceptable and action must be taken to stop the use of mines. It also describes the international humanitarian legal framework that provided the basis for mine action.

The third part of this paper focuses on the unique characteristics of the Ottawa Process that supported successful negotiations and an absolute mine ban, which codified the concept and built support for the emerging norm. It explores how the negotiation was a departure from traditional negotiation models. Aspects of the negotiation including leadership, momentum building and the unequivocal language are examined with respect to their role in the success of the treaty and the creation of a norm.

The fourth part of this paper provides evaluates the quantitative and qualitative changes in landmine behaviour. The criteria used to make this determination include aspects of participation and compliance of both state and non-state actors with the tenets of the Ottawa Convention. The most convincing evidence of landmine norm acceptance is that even actors outside of the Ottawa Convention are moving toward its ideals.

## **A Constructivist Challenge to the Realist Security Paradigm**

In exploring the landmine issue, it is clear that the traditional realist framework is not able to explain certain states' interest in pursuing a prohibition of landmines through the Ottawa Convention. Realism does not account for the evidence suggesting that the humanitarian concerns about AP mines are outweighing states' interest in their utility, even among states with a legacy of landmine use. Constructivist theory, on the other hand provides that states' interests are informed and shaped by norms.

A norm is a “standard of appropriate behaviour for actors with a given identity.”<sup>4</sup> Norms, however, are not synonymous with behaviours. Norms are ideas about what is expected of states, and it is international acceptance of certain behaviour that creates socialization pressures that shape and inform the interests of other states. Humanitarian norms, by extension, are norms based upon a common understanding of the value of human rights.

Constructivist theory is diverse, but generally holds that the international system, and the interests of state actors are socially constructed.<sup>5</sup> Like other theories of international relations, constructivists acknowledge that states are the principal units of analysis in international relations. Rooted in sociology, the constructivist approach sees states as social actors, whose interests and therefore behaviour are driven by rules and norms. Constructivism accounts for the role of human consciousness in international relations. As with humans, the identities and interests of states are socially constructed and intersubjective.<sup>6</sup> This approach allows that state behaviour reflects existing norms, and that states can become socialized to emerging issues.

Richard Price and the joint work of Martha Finnemore and Kathryn Sikkink represent the dominant constructivist analysis in the landmines debate.<sup>7</sup> They suggest the Ottawa Convention codifies an international norm regarding the use of landmines. The constructivist analysis does not contend that a strong landmine norm will bring the

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<sup>4</sup> Martha Finnemore and Kathryn Sikkink, “International Norm Dynamics and Political Change,” *International Organization* 52, no. 4, (1998): 887-917.

<sup>5</sup> Alexander Wendt, *Social Theory of International Politics*, (Cambridge: Cambridge University Press, 1999).

<sup>6</sup> John Ruggie, “What Makes the World Hang Together? Neo-utilitarianism and the Social Constructivist Challenge,” *International Organization* 52, no. 4 (1998): 855-885; and Alexander Wendt, “collective Identity Formation and the International State,” *American Political Science Review* 88, no. 2 (1998): 384-396, 385.

<sup>7</sup> Finnemore and Sikkink, 1998 and Price, 1998.

problem to a halt, but that it can contribute meaningfully to the problem of mines by stigmatising their use through social mechanisms.

Norms are created and taught through various socialization mechanisms. The creation of international norms occurs through processes flowing from norm entrepreneurship and organizational platforms. “Norm entrepreneurs” frame issues in a way that challenges the appropriateness of what is generally accepted. Norm entrepreneurs need an organizational platform from which to promote the international norm that they are seeking to create.<sup>8</sup> Organizational platforms help norm entrepreneurs gain international attention and ultimately wider participation by increasing awareness of the issue at hand. In the case of the Ottawa Convention, the International Campaign to Ban Landmines (ICBL) and its forerunners acted as both norm entrepreneurs and as a platform for the ban of AP mines. The ICBL took a pragmatic approach in its role as a norm entrepreneur. It focussed on stigmatisation, but it also put emphasis on systemic change in mine-affected regions, which included victim assistance and demining efforts.<sup>9</sup>

The building of a norm prohibiting the production, trade and use of anti-personnel landmines underwent several phases to reach its current stage of development. Through the use of organizational platforms by norm entrepreneurs, it was brought to the international stage as an issue that had to be dealt with immediately and unequivocally. During this stage of “norm emergence,” attention was called to the issue, and support was built. This began the socialization and stigmatisation process, and the idea of a ban on

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<sup>8</sup> Finnemore and Sikkink, 1998, 899.

<sup>9</sup> An argument provided by Snyder and Vinjamuri is that a completely principled approach to norms can prevent them from taking hold, and there is a need for pragmatic bargaining to bridge between the lawless society and the norm-governed society. Snyder, Jack and Vinjamuri, Leslie. “Trials and Errors: Principle and Pragmatism in Strategies of International Justice,” *International Security* 28, no.3 (Winter 2003/2004): 5-44 at page 13. This has not been a great issue with the landmine norm because of the on-the-ground support that NGOs and state-sponsored assistance and demining programs have provided.

AP mines gained acceptance among state actors, who then contributed to the socialization momentum. This was possible in part because of the pre-existence of similar humanitarian norms. Constructivist theory contends that, “mutually reinforcing and consistent norms appear to strengthen one another.”<sup>10</sup> The principles of an anti-landmine norm were interwoven into the fabric of existing humanitarian principles and norms.

When a base of support was generated, the next step was to codify the emerging norm. Martha Finnemore states, “agents seeking to change social purpose often target law and institutions as means of converting their alternative vision into widely influential social reality.”<sup>11</sup> In the case of AP mines, NGOs and like-minded states used the Ottawa Convention as a means of encoding their vision of a total landmine ban.

At a certain point, the number of states supporting an anti-landmine norm reached a point of critical mass, a “tipping point,” after which agreement became widespread. This point was the beginning of a norm cascade that continues to lead to the universal acceptance of the norm, and the adaptation of state behaviour.<sup>12</sup> The landmine norm has been created and is in the process of being acknowledged and accepted. This process has begun to substantially modify state behaviour with respect to anti-personnel landmines.

A realist counter argument to the contention that norms affect state behaviour is that these international institutions (norms) are too weak to prevent major powers from breaking the rules when it is in their interest to do so.<sup>13</sup> This is met by the explanation Robert Jervis provides for the “elusive role of institutions;” they do not govern, but rather

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<sup>10</sup> Martha Finnemore, *The Purpose of Intervention: Changing Beliefs About the Use of Force*, (London: Cornell University Press, 2003), 57.

<sup>11</sup> *Ibid.*, 147-148.

<sup>12</sup> Finnemore and Sikkink, 1998.

<sup>13</sup> Randall Schweller in Robert Jervis, Henry R. Nau and Randall K. Schweller, “Correspondence: Institutionalized Disagreement,” *International Security* 27, no.1 (Summer 2002): 174-185.

shape state preferences. He contends that institutions shape state habits, their constituencies, erode the maintenance of certain capabilities, and socialize states to particular behaviour. Institutions therefore change the environment within which states make decisions. These “expectations create and destroy possible courses of action.”<sup>14</sup>

In the academic debate between Schweller and Jervis discussed above, Schweller suggests that Jervis’s argument is in sum, “norms prevent paths that never happened,” which Schweller argues is “difficult to disprove.”<sup>15</sup> Schweller states that Jervis’s argument can be tested by “see[ing] if the views and actions of member states deviate more or less frequently over time from institutionally driven incentives.”<sup>16</sup> This test is applied to the landmine norm in this paper. The trends in landmine use, production, stockpile destruction, and the views of states regarding landmines provide evidence that the institutional effect of this norm has in fact changed landmine related behaviour.

Since 1998 when the landmine ban was used as an example of norm emergence<sup>17</sup> little further academic research has been conducted to verify the effect the emergent norm has had on state behaviour. Constructivists have gone on to study other issues such as humanitarian intervention,<sup>18</sup> without following the landmine issue to ensure that the theory continues to explain the reality. Martha Finnemore states, “as contemporary researchers make their arguments about norms, culture, and ideas, increasingly, they will need to...evaluate those claims in the context of carefully designed historical and empirical research.”<sup>19</sup> By following the effects of the mine ban norm on state behaviour

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<sup>14</sup> Robert Jervis in *ibid*, 176 – 177.

<sup>15</sup> Randall Schweller in *ibid*, 183-184.

<sup>16</sup> Randall Schweller in *ibid*, 183.

<sup>17</sup> Finnemore and Sikkink, 1998 and Price, 1998 represent the dominant constructivist literature regarding the issue of a landmine norm.

<sup>18</sup> Finnemore, 2003.

<sup>19</sup> *Ibid*.



over the intervening years, this paper seeks to build upon the existing literature, and maintains that the constructivist model continues to adequately explain landmine-related behaviour.

Ward Thomas argues that norms limit the legitimate modes of violence available to states, thereby reinforcing the relative power of “great states”. He argues that because more powerful states have more options available, norms give them an increased relative advantage.<sup>20</sup> It would seem that if a landmine norm increased the relative power of “great states”, that major powers would be the first advocates of a landmine ban. In fact, the world’s most powerful nations, and those with the most military options have not yet subscribed to the Ottawa Process, and were the most reluctant to even support the notion of an AP mine ban.

As in the case of the landmine norm, humanitarian norms can modify state interests through social processes. The ability for norm entrepreneurs to affect state interests has sharply increased with the accessibility of global communication as a means of building support for a cause. The case of banning AP landmines is a unique example of a class of conventional weapons being banned for its effects. However, a similar process of norm-building could be used to affect change in other situations.

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<sup>20</sup> Ward Thomas, “Norms and Security: The Case of International Assassination,” *International Security* 25, no. 1 (Summer 2000): 105-133.

## **II. THE HISTORICAL & LEGAL CONTEXT OF ANTI-PERSONNEL MINES**

The historical and legal context of AP mines provides an important framework to the current debates about the Ottawa Process and resulting Ottawa Convention. The purpose of this section is to provide a background to the landmines issue including the history of landmines use, when it became apparent that AP mines posed a problem and how an international movement to ban landmines developed. This history outlines the deep military tradition of mine use, which contributes to an understanding of current arguments about the continued utility and need for landmines. Furthermore, the history of the NGO struggle to address the problem underscores the role NGOs have played as norm entrepreneurs in bringing the landmines issue to the fore.

The international humanitarian legal context provided NGOs with a legal basis from which to work toward a ban. International legal precedents already existed to protect civilians from the effects of landmines; however these precedents did not effectively deal with outlawing the weapon. This legal basis, and the fact that similar humanitarian norms already existed was the starting point for the creation of a norm against landmines.

### **Historical Context**

Anti-personnel landmines are essentially weapons designed to detonate when triggered by the presence of, or contact with, a person. This design is not unique in military history. In fact a variety of objects such as spikes and concealed caltrops have been used defensively against troops and cavalry since the Roman era. The purpose of

these obstacles was to boost defensive strength creating a force multiplier, distracting and slowing the enemy, forcing troops to find safe lanes of transit and forcing them into areas where defenders could launch attacks. Obstacles such as ditches, booby-traps and spikes continue to be used, but the concept of the force multiplier was integrated into a more lethal and high-tech obstacle with the advent of gunpowder.<sup>21</sup>

In the 13<sup>th</sup> Century, China used a detonating precursor to the modern mine. Referred to as “underground sky soaring thunder” this early mine consisted of an underground charge of gunpowder designed to detonate as an enemy pulled out the defenders flag as a trophy from battle. Other early mines called fougasses were essentially buried explosives that were plagued by technical difficulties resulting in a largely unreliable and ineffective weapon.<sup>22</sup> Pressure-operated mines function on the same victim-initiated principle as spikes and caltrops with the more devastating effects of explosive blasts.

The first use of a modern version AP mine was during the American Civil War in the 1860's where their design was vastly improved upon.<sup>23</sup> It was not until World War I that modern AP mines developed a particular significance and armies began their widespread use. The style of battle used in WWI made AP mines particularly effective as a defensive force multiplier. Significant to both warfare and mine development, AP mines in this era were unique as they were, “probably the first operational device calculated to wound by the blast effect of high explosive rather than to kill,” which was described by observers at the time as the future of war technology.<sup>24</sup>

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<sup>21</sup> Mike Croll, *The History of Landmines*, (Great Britain: Leo Cooper, 1998), 1-8.

<sup>22</sup> *Ibid.*, 8-9.

<sup>23</sup> *Ibid.*, 17-22.

<sup>24</sup> *Ibid.*, 28.

By World War II AP mine technology had been advanced, particularly by the Germans and Russians who laid an estimated 100 million mines combined.<sup>25</sup> In addition to this unprecedented number of mines, the science of “wound ballistics” in mines was also developed. Mines were studied to improve their design so that they would explode into “fragments of optimum energy” to make them more effective and efficient at maiming.<sup>26</sup> Mines became so efficient that in conflicts during and after WWII, mines were laid in enormous numbers.

Some proponents of mine use argue that mines have, “a part to play at every level of conflict, in any terrain, against a variety of targets,”<sup>27</sup> and that it is this flexibility and adaptability combined with their physical effects and cost-effectiveness<sup>28</sup> that make mines efficient tools of war. It is commonly held that AP mines are most effectively used in positional and tactical defence. “Being fenced and marked an enemy is expected to avoid [minefields], faces delay, becomes deflected from the original axis of advance and is possibly canalized into a selected fire pocket.”<sup>29</sup> In addition to these effects, the type of injury an AP mine creates adds to their combat multiplier function. As a mine detonates, usually by being stepped on, it sends shrapnel, debris and bone fragments into the victim’s body. This injury can blind, deafen, result in the amputation of limbs or kill. Mines are designed to deliver a severe wound through controlled fragmentation and the result is an extremely painful injury that instils fear in the enemy. The blast usually does not kill right away, leaving an injured soldier screaming in agony. This causes fear,

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<sup>25</sup> Ibid., 37.

<sup>26</sup> Eric Prokosch, *The Technology of Killing: A Military and Political History of Antipersonnel Weapons*, (London: Zed Books, 1995), 34.

<sup>27</sup> Lt. Col. C.E.E. Sloan, *Mine Warfare on Land*, (London: Brassey’s Defence Publishers, 1986), 8.

<sup>28</sup> Although the cost of mines can vary, a commonly cited average price is US\$3 each.

<sup>29</sup> Sloan, 1986, 14-15.

insecurity, and the demoralization of troops. The soldier then requires at least two other soldiers to carry him from the field, resources to transport him to medical facilities quickly to prevent him bleeding to death, and occupies significant medical resources. This type of injury also ensures that the soldier can never return to battle.<sup>30</sup> Apart from their use in minefields, AP mines can also be used randomly to spread terror, booby-trap, or create a diversion or illusion in nuisance mining.<sup>31</sup>

It is the military success of landmines as combat multipliers that underlies many arguments against a mine ban. The predominant anti-ban position in the US concedes that landmines are problematic in humanitarian terms, but they are useful militarily and therefore will continue to be used. The National Center for Policy Analysis, a US based think tank, argues that a ban without exceptions would be a “fatal luxury” for the US because it is the only secure way to defend its interests in Korea.<sup>32</sup> John Troxell, while acknowledging humanitarian concerns, argues that AP mines are valuable military tools with no effective alternatives.<sup>33</sup> Gregory Bier has also supported this position by arguing that without the existence of proven alternatives the US would face a “credibility gap” if it implemented a ban.<sup>34</sup> And Pentagon Spokesperson Kenneth Bacon stated that landmines “remain an integral part of [US] war-fighting methodology... and a blanket

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<sup>30</sup> A thorough account of the views held by proponents of AP mines can be found in Sloan; Prokosche; and David A Lenarcic, *Knight-Errant? Canada and the Crusade to Ban Anti-Personnel Land Mines*, (Toronto: Irwin Publishing, 1998), to name a few.

<sup>31</sup> Despite this account of the military utility of landmines, recent studies conducted by proponents for a ban on landmines have raised doubts about the actual military usefulness of AP mines. At the forefront of this debate is the International Campaign to Ban Landmines, and the International Committee of the Red Cross, who commissioned a 1996 study of the military use and effectiveness of anti-personnel mines called “Anti-personnel Landmines – Friend or Foe? A Study of the military use and effectiveness of anti-personnel mines” that found that, “the limited military utility of AP mines is far outweighed by the appalling humanitarian consequences of their use in actual conflicts.”

<sup>32</sup> Charles Krauthammer, “Serious Threats Require Landmines,” National Center for Policy Analysis, <http://public-policy.org/~ncpa/pi/congress/pdns/pdns20.html>.

<sup>33</sup> John F. Troxell, “Landmines: Why the Korean Exception Should be the rule,” *Parameters* 24, no. 2 (2000): 103-105.

<sup>34</sup> Gregory L. Bier, “Antipersonnel Landmine Policy and Implications”, *Engineer* 28, no. 2 (1998): 27.

prohibition on the use of landmines would impede [US] military effectiveness.”<sup>35</sup> These positions are characteristic of the argument against the mine ban in the US. Despite their positions against a ban, most analysts agree that something should be done about improper use of landmines, and acknowledge that the effects of mines are unacceptable.

David Lenarcic argues that mines can be used effectively without creating a humanitarian problem since they can be confined to particular areas and can be cleared post-conflict. It is for this reason that mines should not be banned, but rather controlled.<sup>36</sup> Implicit in Lenarcic’s argument is that landmines are not inherently inhumane, but that irresponsible use of them can be. This assertion is undermined by the type of injury landmines cause, their long life, social and environmental effects, the numbers in which they are used, and the often prohibitive cost of demining. In addition, there have been numerous reports most recently in India and Djibouti of mines being scattered by flooding and landslides and contaminating previously clear areas.<sup>37</sup>

During the later half of the 20<sup>th</sup> century inter and intra-state conflict in the developing world increased and inexpensive mines became a weapon of choice. These states, like Europe post-WWII, were often left in ruins after conflicts. Unlike their European counterparts who were able to fund de-mining efforts in order to reconstruct and recover after WWII, many developing countries were left incapacitated and unable to recover due to the ongoing legacy of AP landmines.<sup>38</sup> As non-governmental aid agencies

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<sup>35</sup> United States, *Congressional Quarterly Weekly Report* 54, no. 5 (1996): 309.

<sup>36</sup> Lenarcic, 1998.

<sup>37</sup> *Agence France Press*, “French Military to start clearing buried mines in Djibouti in 2006,” *Agence France Press*, 30 November 30 2004; and Rohit Parihar, “Living on the Edge,” *India Today*, 6 December 2004, 62.

<sup>38</sup> Croll, 1998, 129.

entered these countries in an effort to help them, the ongoing problem with landmines that was already apparent to the local people became clear to them.

The effects of landmines and the scale of the problem led to a need for political action to stop them. In a 1994 paper, the then Secretary General of the United Nations Boutros Boutros-Ghali wrote about what he described as a humanitarian disaster in the developing world. “In the hinterlands and countrysides of the world, the legless, blinded, ravaged bodies of the living are an increasingly common sight. They are condemned to a future of marginal social and economic existence and place an impossible burden on nations striving for development.” In addition to these direct humanitarian costs, “by neutralizing essential infrastructure, mines present a virtually insuperable obstacle to post-conflict peace-building.”<sup>39</sup> Civilians continue to be affected, maimed and killed by AP mines long after conflicts end. Mines either prohibit civilians from carrying out everyday tasks such as collecting firewood or put them in grave danger while doing so. Minefields make tracts of land unusable, displacing populations and affecting crop production and the raising of livestock.<sup>40</sup>

The problem of AP mines was first identified as a humanitarian issue in the 1970’s by the International Committee of the Red Cross (ICRC) who had field surgeons in mine affected regions. The ICRC recognized that the injuries caused by mines were serious, many non-combatants were affected, and there was an increasing need for victim

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<sup>39</sup> Boutros Boutros-Ghali, “The Landmines Crisis: A Humanitarian Disaster,” *Foreign Affairs* 73, no. 5 (1994): 8-13.

<sup>40</sup> Comprehensive case studies of the effects of AP mines were conducted by individuals, governments, as well as aid organizations. The effects are particularly grave in developing nations. See Human Rights Watch Arms Control Project, *Still Killing: Landmines in Southern Africa*, (New York: Oxfam, 1997); and the Vietnam Veterans of American Foundation’s, *After the Guns Fall Silent: The Enduring Legacy of Landmines*, (Great Britain: Oxfam, 1995). For a comprehensive study of mines in Zimbabwe, Martin Rupiya worked with the Zimbabwe Government to produce, Martin Rupiya, *Landmines in Zimbabwe: A Deadly Legacy*, (Zimbabwe: Sapes Books, 1986).

assistance. They began to record the effects of mines in terms of their medical consequences. It was noted that mine victims require on average twice as many operations and four times as many units of blood as victims of other types of weapons.<sup>41</sup> In addition, as mine technology developed to incorporate insidious devices such as blinding lasers, the injuries were increasingly grave.

The ICRC as well as other humanitarian groups recognized a problem, but they were not organized on the issue.

A broad variety of humanitarian groups in different countries were gaining information, and their members started talking with each other about it... field-workers from organizations like the Belgium based group Handicap International started saying, 'God, everywhere we go we have mine victims, mine victims! We can't just keep putting limbs on them. We have to take political action.'<sup>42</sup>

The realization that something must be done to stop the spread of landmines became a common goal for a variety of nongovernmental organizations. Due to the indiscriminate nature and the type of injuries they caused, NGOs suggested that AP mines were illegal within existing international humanitarian law.

## **International Legal Context**

As organizations began to mobilize on the issue of landmines, they looked to pre-existing international law to anchor their position against landmines. The legal arguments against AP mines were based on essentially three concepts: unnecessary suffering, discrimination and proportionality. These concepts are fundamental to

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<sup>41</sup> Robin Coupland, "Abhorrent Weapons and 'Superfluous Injury and Unnecessary Suffering': From Field Surgery to Law," *British Medical Journal* 315, no. 7120 (1997): 1450.

<sup>42</sup> Helena Cobban, *The Moral Architecture of World Peace: Nobel Laureates Discuss Our Global Future*, (Charlottesville, Virginia: University of Virginia Press, 1998), 207.



international humanitarian law, both customary and codified. The legal concept that combatants should not suffer more than necessary originated in the *St. Petersburg Declaration of 1868* prohibiting the use of exploding bullets.<sup>43</sup> The concept of unnecessary suffering also founded the *1925 Geneva Convention prohibiting poison gas*.<sup>44</sup> These agreements were legal precedents for a class of weapons being outlawed due to its inherent cruelty.

The *1899 Hague Convention*<sup>45</sup> and the *1907 Hague Convention*<sup>46</sup> encoded customary rules of behaviour for belligerents, which have since been incorporated into other treaties and conventions to form what is termed international humanitarian law.<sup>47</sup> Both conventions expressed that the means and methods of injuring an enemy are not limitless. This principle underlies modern humanitarian law and its treaties. The *Fourth Geneva Convention of 1949* codified the protection of civilians in the time of war establishing the principle of discrimination between combatants and non-combatants.<sup>48</sup> The *1977 Additional Protocol I to the Geneva Convention*, Article 51 states that, “The civilian population and individual civilians shall enjoy general protection against dangers arising from military operations.”<sup>49</sup>

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<sup>43</sup> “Declaration Renouncing the Use, in Time of War, of Certain Explosive Projectiles,” November 29 and December 11, 1868, *Consolidated Treaty Series* 138: 297.

<sup>44</sup> “Protocol for the Prohibition of the Use of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare,” June 17, 1925, *League of Nations Treaty Series* 94: 65.

<sup>45</sup> “Convention with Respect to the Laws and Customs of War on Land,” July 29, 1899, *Consolidated Treaty Series* 187: 429.

<sup>46</sup> “Convention concerning the Laws and Customs of War on Land,” October 18, 1907, *Consolidated Treaty Series* 205: 277.

<sup>47</sup> Jozef Goldblat, “Anti-personnel Mines: From Mere Restrictions to a total ban,” *Security Dialogue* 30, no. 1 (1999): 9-23.

<sup>48</sup> “Convention IV Relative to the Protection of Civilian Persons in Time of War,” August 12, 1949, *United Nations Treaty Series* 75: 287.

<sup>49</sup> “Protocol I Additional to the Geneva Conventions of August 12, 1949, and Relating to the Protection of Victims of International Armed Conflicts,” June 8, 1977, *United Nations Treaty Series* 1125: 3.

Protocol 1 also provides for proportionality.<sup>50</sup> The principles of Protocol 1 are fundamental principles deriving from customary law as well as treaty law principles. Article 51(4) requires the military utility of a weapon to be weighed against its humanitarian consequences. Further, Protocol 1 addresses the issues of unnecessary suffering and discrimination. Article 35 (2) states, “It is prohibited to employ weapons, projectiles and material and methods of warfare of a nature to cause superfluous injury or unnecessary suffering.” Article 51(5)(b) defines the concept of an indiscriminate attack as “an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof which would be excessive in relation to the concrete and direct military advantage anticipated” and links it to proportionality.<sup>51</sup>

Mine ban proponents argue that AP mines are inherently cruel, unable to distinguish between civilians and soldiers and remain active post-conflict and therefore violate the principle against indiscriminate attacks. They also argue that the humanitarian costs of AP mines far outweigh their military application,<sup>52</sup> and that the time-delay aspect of AP mines does not allow military commanders the calculation of proportionality.<sup>53</sup> Based on their observations, NGOs argued that AP mines violated the principles entrenched in Protocol 1.

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<sup>50</sup> Ibid.

<sup>51</sup> Ibid.

<sup>52</sup> International Committee of the Red Cross, *Anti-personnel Landmines - Friend or Foe?: a study of the military use and effectiveness of anti-personnel mines*, 2nd ed., (Geneva: ICRC, 1997); and Lt. General (retired) Robert Gard, “The Military utility of Anti-personnel mines,” in *To Walk without Fear: The Global Movement to Ban Landmines*, ed. by M. Cameron et al., (Don Mills, Ontario: Oxford University Press, 1998), 136 – 159.

<sup>53</sup> Kenneth R. Rutherford, “The Evolving Arms Control Agenda: Implications of the Role of NGOs in Banning Antipersonnel Landmines,” *World Politics* 53, no. 1, (2000): 74-114, 92.

*The Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, Protocol II on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices (CCW)* sought to address the landmine issue directly.<sup>54</sup> Based on the pre-established principles of international law, Protocol 2 sought to place direct restrictions on the use of mines, booby-traps and other devices. This treaty contributed to the mine ban effort by defining what a mine is, prohibiting its use against civilians and reiterating the pre-established principles of superfluous injury,<sup>55</sup> discrimination<sup>56</sup> and proportionality<sup>57</sup> in relation to the AP mine. Despite linking these concepts with the AP mine, “Protocol 2 had very little impact on the actual behaviour of state actors, the majority of whom remained and remain outside the CCW in any case, to say nothing of the behaviour of non-state actors.”<sup>58</sup> In addition to the lack of participation, many argue that Protocol 2 has other inherent problems that render it ineffective. It does not address key issues that some argue it needed to address to have any impact on the AP mine problem. While lamenting the continuing landmines crisis in 1994 Butros Butros-Ghali expressed the failures of Protocol 2,

The landmines protocol is not applicable to internal warfare and does not regulate the production, stockpiling, transfer, or export of anti-personnel mines. The conventional weapons convention also does not include any provisions for enforcement. There is no procedure to monitor compliance and no designated venue for lodging

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<sup>54</sup> “Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, Protocol II on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices,” October 10, 1980, as amended in 1996, *United Nations Treaty Series* 1342: 162.

<sup>55</sup> *Ibid.*, Article 6(2).

<sup>56</sup> *Ibid.*, Article 3(2).

<sup>57</sup> *Ibid.*, Article 3(2)(c).

<sup>58</sup> David C. Atwood, “Tackling the Problems of Anti-personnel Landmines: Issues and Developments,” International Campaign to Ban Landmines, <http://www.icbl.org/resources/dcatwood.html>.

allegations of breaches. There is no method for seeking redress or cessation of unlawful acts and no penalty for the intentional or indiscriminate use of mines against civilians. Even if mines are laid according to wartime rules, the protocol fails to take into account the delayed impact of mines after a war ends.<sup>59</sup>

According to some mine ban proponents, tenets of existing international humanitarian law had already made the use of landmines illegal. Despite this, states were continuing to use AP mines, and Protocol 2 did not seem to ameliorate the problem, partly because it did not establish a widely accepted norm capable of changing behaviour regarding landmine use.

On the national and international levels NGOs continued to push for stronger legislation to ban mines, and lobbied governments to take unilateral action toward a complete ban on the use, manufacture, trade and transfer of AP mines. In 1992 the United States initiated a one-year moratorium on the export of AP mines that was later extended and in 1997 became permanent. In 1993 France made official its policy since the 1980's of not exporting AP mines, and called for a review of the CCW. By 1994 Sweden and Italy had unilaterally banned the export of AP mines. In 1995 Belgium unilaterally banned the use, production, trade and stockpiling of AP mines, the first state to do so, swiftly followed by Norway. Jody Williams and Steven Goose cite senior representatives from Belgium and Norway who reportedly stated that pressure from NGOs was a central factor in their decision to ban mines.<sup>60</sup>

By 1992 the NGOs that were committed to a complete ban on AP mines had formed the International Campaign to Ban Landmines. United in their mission, the ICBL

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<sup>59</sup> Boutros-Ghali, 1994, 12.

<sup>60</sup> Jody Williams and Stephen Goose, "The International Campaign to Ban Landmines," in *To Walk Without Fear: The Global Movement to Ban Landmines*, ed. by C. Maxwell et al., (Don Mills, Ontario: Oxford Press, 1998), 26.

used national and international campaigns to affect public perception, lobby governments and build momentum and support for a complete ban. The CCW was a “potential platform for further action on the issue,”<sup>61</sup> and so initially the ICBL supported that venue for multilateral action. From the onset of the CCW review process it was evident to the ICBL that this forum would be inadequate to make an impact on the AP mine problem as, “the preparatory sessions and the negotiations fell victim to an incremental approach that limited progress to adjustments within the existing framework of the treaty.”<sup>62</sup> As CCW negotiations deadlocked in Vienna in 1996, many states voiced their support for a complete ban on landmines. As a pro-ban nation, Canada decided to hold a meeting to define an AP mine ban strategy. The 1996 meeting resulted in 50 states agreeing that there was an urgent need to ban landmines; an outline for action was developed.

Some proponents of a ban suggested that the use of landmines was already subsumed within the broader humanitarian norms encoded in international law. Nonetheless the norm, as it existed, did not have the strength or support to modify state interests and to affect behaviour to the extent needed to stop landmine use. This process of norm building, although begun, required the continued role of NGOs as norm entrepreneurs to bring public attention to the issue. Eventually, and through the leadership of NGOs, Canada and like-minded states, the support for a landmine norm did reach a critical mass. Through their work, the landmine ban gained support, the Ottawa Convention was born and a norm against landmines was built.

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<sup>61</sup> Ibid.

<sup>62</sup> Ibid., 31.

## **The Role of NGOs as Norm Entrepreneurs**

Non-governmental organizations represented disparate interests in their campaign against landmines, ranging from social to environmental to humanitarian in origin. Despite having varied interests, 1400 non-governmental organizations were involved in the process and together they sought to achieve a prohibition on landmine use and gain support for demining programs. The ICBL provided a “united front” and legitimacy to the NGO cause, providing the NGO community with an organizational platform. The coordination of this coalition was done by several core agencies including Human Rights Watch, Handicap International, Kenya Coalition Against Landmines, Mines Action Canada and Norwegian People’s Aid, which continue to produce an annual report documenting the implementation of the agreement. In addition, The International Committee of the Red Cross provided technical and medical expertise and experience, which lent legitimacy to the statistics and empathy to the human suffering claimed by the NGOs.

NGOs brought both knowledge and field experience to the table, while private foundations brought additional financial resources, and the media provided the necessary public attention to motivate states’ action on the issue. In addition, people such as Princess Diana and Queen Noor of Jordan brought celebrity to the process. Jody Williams, coordinator of the ICBL, earned a Nobel Peace Prize for her efforts on the issue, which helped fuel and legitimize the process. The celebrity and media attention were tools that the norm entrepreneurs used to persuade decision-makers of the appropriateness of a landmine ban.

Finnemore and Sikkink assert that norms require an organizational platform for promotion, and that the NGO community provided this platform. This argument is consistent with the ICBL's account of the NGO role in creating the landmines treaty and building the norm. Williams and Goose argue that the ICBL's main role was to create an international political environment for pro-ban discussions and generate support for the treaty.<sup>63</sup> The role of NGOs in building the momentum and support for the Ottawa Convention, which the ICBL refers to as international agenda setting, is not widely contested. Indeed, authors such as Robin Collins argue that the key to the treaty's success was the partnership between NGOs and governments,<sup>64</sup> while Motoko Mekata writes that civil society led a movement against landmines that helped embed the international norm.<sup>65</sup> That NGOs played a role is evident, but whose interests they represent is more widely debated. Kenneth Anderson challenges the notion of international civil society and the NGO notion of the democratization of international politics, favouring the idea that NGOs are transnational elites. He attributes NGO influence to their ability to act as an effective pressure group.<sup>66</sup> However their role is defined, the fact is that NGOs did effectively persuade both the public and decision-makers to support a mine ban.

The norm building process was initiated by NGOs and they provided much information and momentum to the process, but the only actors within the international

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<sup>63</sup> Ibid.

<sup>64</sup> Robin Collins, "The Ottawa Process: Key Lessons for NGOs," <http://www3.sympatico.ca/lothcol/collins/lessons4ngos.html>.

<sup>65</sup> Motoko Mekata, "Building Partnerships toward a Common Goal: Experiences of the International Campaign to Ban Landmines" in *Third Force: The Rise of Transnational Civil Society*, ed. by Ann M. Florini, (Washington, DC: Carnegie Endowment for International Peace, 2000): 143-176.

<sup>66</sup> Kenneth Anderson, "The Ottawa Convention Banning Landmines, the Role of International Non-Governmental Organizations and the Idea of International Civil Society," *European Journal of International Law*, 11:1 (2000): 91-120.

system that can implement policy and create international law are states. Thus there were two levels of negotiations: one of civil society groups and states who cooperated to gather information and develop creative solutions to the problems they encountered, and another comprised solely of states responsible for negotiating the actual agreement. The parallel process enriched the knowledge base and increased the momentum of the project. This process also included various regional forums and consultations that generated reports on different aspects of the landmines issue. In this way NGOs were essentially working groups for the state-level negotiation sessions. Although the state-level meetings were closed to the public, press releases about the progress of the negotiations were released. NGO groups used mass media and the Internet to distribute information, publish documentation, as well as gain public support for the process aided in the dissemination of this information.

Finnemore and Sikkink argue that once an issue has been raised, institutionalization through codification of it contributes to the next stage of norm creation, a norm cascade.<sup>67</sup> Building on the wealth of information provided by NGOs and the working groups, states were able to codify the principle against the use of anti-personnel land mines in the drafting of the treaty. The convention was the codification of the emergent norm against landmines, and a key step in its development.<sup>68</sup>

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<sup>67</sup> Finnemore and Sikkink, 1998, 901.

<sup>68</sup> Finnemore and Sikkink contend that the tipping point occurred with respect to the landmines case “by May of 1997 [when] the number of states supporting the ban on anti-personnel mines reached 60, or approximately one third of the total states in the system. After that point, a norm cascade occurred and 124 states ratified the Ottawa Landmine treaty in December of 1997.” It is clear that the norm cascade occurred prior to December of 1997, but there is no way to say the exact point where this occurred.



### **III. THE OTTAWA PROCESS: HOW THE PROCESS CONTRIBUTED TO THE OUTCOME**

This paper has thus far outlined the historical and legal context for a mine ban treaty, and the events that led to the Ottawa Process with particular emphasis on norm entrepreneurship. In addition to factors that have already been discussed, the negotiation process itself also contributed the success of the treaty, and the building of a norm. As a negotiation process, the Ottawa Process benefited from a departure from traditional methods of diplomacy, strong leadership, a simple and unequivocal goal and steady momentum to gain acceptance of a clear and concise ban on AP mines.

#### **The Ottawa Process**

The International Strategy Conference Toward a Global Ban on Antipersonnel Mines took place in Ottawa on October 3-5, 1996. On the last day of the meeting, Canada's Foreign Minister announced that Canada would host a treaty-signing conference in December of 1997. The Ottawa Process, a series of meetings to develop a treaty, negotiate its language and build momentum over the following year, eventually culminated in the 1997 Ottawa Convention. The process included bi-lateral and multi-lateral government consultation as well as cooperation between NGO and governments. In September 1997, 89 governments went to the Oslo negotiation session as full participants to negotiate a comprehensive treaty from an existing draft. The ICBL was invited as an official observer, which gave them the same privileges as observer states.

At the meeting in Ottawa in December of 1997, 122 states signed the *Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel*

*Mines and on their Destruction.* The Convention was simple and clear in its call for an absolute prohibition of AP mines with ‘no reservations, no exceptions, and no loopholes,’ something that the NGO community was lobbying for. The treaty came into effect in March of 1999, six months after reaching its required fortieth ratification.

## **A Departure from Tradition**

In traditional arms control negotiations, diplomats may spend years establishing an agenda, defining terms and reaching agreement on what the issue is, without even beginning to discuss solutions. The discussions are generally held behind closed doors without public input or consultation. Initially, it appeared as though the landmines issue would be handled in this way through the CCW. Although Protocol 2 to the CCW did manage to outline restrictions for mine use, there was a common perception that these restrictions were not having a significant effect in minimizing the devastating problem of landmines.

Within the confines of the CCW process, decisions are based on consensus. This consensus-based model of negotiation allows that each state has the option to reject clauses, and therefore ensures that any agreement reached is based upon the lowest common denominator for change. The 1996 review of the CCW resulted in an agreement that reached a broad consensus, but with so many concessions that no significant progress was made toward solving the humanitarian crisis caused by landmines.<sup>69</sup>

The frustration felt by the NGO community and a group of like-minded states over the ineffectiveness of the CCW was the catalyst for the Ottawa Process. NGOs

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<sup>69</sup> Julian Davis, “The Campaign to Ban Landmines: Public Diplomacy, Middle Power Leadership and Unconventional Negotiating Process,” *The Journal of Humanitarian Assistance*, (6 July 2004), <http://www.jha.ac/articles/a134.htm>.

pursued an aggressive campaign and a core group of like-minded states, headed by Canada, provided leadership. The Ottawa Process was committed to achieving a total ban on landmines in a timeline of thirteen months. The process was based on a simple premise, and used unequivocal language. It generated momentum and used marketing to gather public support. The process,

was very much like the departure of a train; it was set in motion by a coalition of pro-ban states and undecided nations were encouraged to board the train or risk being left behind at the station. The train was moving fast since the engineers were intent on reaching an agreement in less than thirteen months. The public campaign was the fuel in the engine. As the train sped on and more passengers climbed on board, only a handful of states were left behind.<sup>70</sup>

## Leadership

Leadership is necessary for providing the structure and direction necessary for a successful negotiation. The leadership and momentum-building roles of NGOs leading up to the Ottawa Process have been discussed, and even during the treaty negotiations, the role of the ICBL in creating an international political environment for treaty negotiations and in fostering political support within states cannot be understated. In addition to the ICBL, Canada emerged as a leader of the negotiations.<sup>71</sup>

Canada's leadership role was not unexpected. Canada is considered to be a "middle power" state, and this status has historically been a key factor in Canada's interaction in the international community. As a middle power, it has been argued that

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<sup>70</sup> Ibid.

<sup>71</sup> See Brian Tomlin, "On a Fast Track to a Ban: The Canadian Policy Process," in *To Walk without Fear: The Global Movement to Ban Landmines*, ed. by M. Cameron et al., (Don Mills, Ontario: Oxford University Press, 1998), 292-313, for a detailed account of the internal governmental process that led to Canadian leadership in the campaign to ban landmines. Tomlin argues that the three process streams of problems, policies and politics converged with policy entrepreneurship to seize the opportunity for policy evolution.

Canadian foreign policy focuses on issues where Canada has the potential to exert the most influence in order to concentrate limited resources.<sup>72</sup> Canada has a reputation as a good multilateral actor, and has experience in dispute resolution.

Like the concept of a norm entrepreneur, which provides an issue with an organizational platform, in an international negotiation an issue may also require a policy entrepreneur within a government to initiate change. Brian Tomlin argues that Andre Ouellet, the Canadian Foreign Affairs Minister in 1995 shaped the Canadian government's position on landmines and put it on the Canadian government's foreign policy agenda.<sup>73</sup> In an effort to maximize its influence, the Canadian government was at this time beginning to shift its focus from traditional national security to human security. The landmine issue was ideal for the advancement of Canadian "soft power".<sup>74</sup>

Baxter and Bishop use a model of middle power typology to explain the roles of catalyst, facilitator and manager that Canada played in the Ottawa Process. They argue that Canada forged links between nations and NGOs, set the agenda and maintained the synergy of the negotiations.<sup>75</sup> This role essentially began during the Conference in Ottawa called "Towards a Global Ban on Anti personnel Mines," of October 1996. On October 5, 1996, Canadian Foreign Minister Lloyd Axworthy issued an invitation and challenge to the international community. He set a deadline for an agreement by December 1997. Lloyd Axworthy described a three-track approach to establishing credible leadership for Canada in the Ottawa Process. First, Canada had to establish a credible and functional negotiation system. Second, it had to develop a close partnership

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<sup>72</sup> Laurence Baxter and Jo-Ann Bishop, "Uncharted Ground: Canada, Middle Power Leadership, and Public Diplomacy," *Journal of Public and International Affairs* 9, Spring (1998): 84-101.

<sup>73</sup> Tomlin, 1998.

<sup>74</sup> Lloyd Axworthy, *Navigating a New World*, (Toronto: Knopf Canada, 2003), 154 – 156.

<sup>75</sup> Tomlin, 1998.

with NGO's, which were able to use pressure tactics more effectively than governments. Third, Canada had to establish full backing within its own political system, including decision-makers in the Department of National Defence.<sup>76</sup>

Canada's unilateral action within the group of like-minded states and NGOs provided a timeline and leadership. Leadership is what provides direction and cohesion to a group. Much has been written on the role of Canada as a leader in the Ottawa Process. Leadership can be provided through unilateral action by "impacting the options available to other parties and through social persuasion."<sup>77</sup> It was Canada that unilaterally called for a meeting to negotiate a treaty at Oslo. Agreement with the Canadian direction for the process was not unanimous. Many states preferred to continue to negotiate through the CCW, particularly those which preferred to exercise their veto during the negotiation. There was however, enough support among the coalition of like-minded states, NGOs and international public opinion to start the ball rolling. Momentum would be maintained by a combination of a deadline for action and a media campaign.

## **Momentum**

Leading up to the December 1997 deadline set by Lloyd Axworthy, a series of multilateral meetings occurred providing an opportunity for NGOs and the media to draw attention to the landmines issue and pressure public officials. The meetings incrementally held throughout Asia, Africa, Latin America and Europe, were designed to build support for the treaty, and to draft a treaty text. The meetings advanced the mine

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<sup>76</sup> Axworthy, 2003, 138-140.

<sup>77</sup> Arild Underdal, "Leadership Theory: Rediscovering the Arts of Management" in *International Multilateral Negotiation*, ed. by W. Zartman, (San Francisco: Jossey-Bass, 1994): 178-197, 184.

ban agenda, locking in commitments for action along the way. This incremental multilateralism was extremely effective. By the end of the Brussels Conference in June of 1997, 107 states had joined the Ottawa Process. During a November 1997 address to the Standing Committee on Foreign Affairs and International Trade, Lloyd Axworthy stated, “The campaign to ban anti-personnel mines has generated tremendous momentum... Even those that believe they cannot sign the treaty in December are being captured by this momentum and are moving, on a unilateral basis, to accept the new standards that will be set in the convention.”<sup>78</sup> In December, 123 countries signed the Ottawa Convention.

Part of the success of the process resulted from its openness. Proponents of the ban, particularly NGOs were able to influence decision-makers through their constituencies. Advocacy campaigns targeted international public opinion.<sup>79</sup> It was increasingly difficult for leaders to ignore the issue, and some felt the need to justify their continued use of AP mines. In France and England, support for the landmine ban became an election issue.<sup>80</sup>

Since the manipulation of international public opinion was fulfilling the requirement of keeping landmines on the agendas of many nations, as well as pressuring decision-makers, campaigners took full advantage of the tools available to them. NGOs used prolific and inexpensive telecommunications methods and mass media, particularly on the Internet to gain support for the treaty and promote the general idea that landmines

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<sup>78</sup> Lloyd Axworthy, “An International Treaty to Ban Anti-personnel Mines: The Challenge Continues.” (Notes for an address to the Standing Committee on Foreign Affairs and International Trade, Ottawa, Canada, November 3, 1997), [http://webapps.dfait-maeci.gc.ca/minpub/Publication.asp?publication\\_id=376372&Language=E](http://webapps.dfait-maeci.gc.ca/minpub/Publication.asp?publication_id=376372&Language=E).

<sup>79</sup> Robert Lawson, “Ottawa Process Points Towards a New Multilateralism,” *Peace and Environment News*. <http://perc.ca/PEN/1997-11/s-lawson.html>.

<sup>80</sup> Davis, 2004.

are inhumane. While affecting decision-makers, this campaigning also made an associative link in public consciousness regarding the destructive force of landmines. This association helped to build the acceptance of the norm, which ensured future compliance of treaty parties. Leaders would find it difficult to renege on their anti-mine commitments when the public was so involved in making the policy decision.

Mine ban proponents also used aggressive lobbying techniques against the negotiation delegates, which Axworthy openly referred to as “mobilization of shame.” The lobby focused on the humanitarian issues rather than the arms control component of the treaty. Techniques included continuous faxes, e-mails and phone calls to the delegates, and resembled an aggressive marketing campaign.<sup>81</sup> The campaign attempted to build a consensus among delegates regarding the need for an absolute ban of AP mines.

Consensus building has become a main feature of multilateral negotiations.<sup>82</sup> The Ottawa Process, although it attempted to build consensus regarding a landmine ban, did not require consensus to continue. It operated on the principle of a two-thirds majority vote, and sacrificed participation in order to keep the content of the treaty intact. By giving each country only one vote, the more powerful countries could be outweighed by a coalition of smaller like-minded states. Since countries were unable to inject reservations or other specific clauses into the treaty, the resulting document provided a simple and clear objective.

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<sup>81</sup> David Davenport, “The New Diplomacy,” *Policy Review* 116, December/January (2002/2003): 17-30, 21.

<sup>82</sup> Winfried Lang, “Lessons Drawn from Practise: Open Conventions, Openly Arrived at”, in *International Multilateral Negotiation*, ed. by W. Zartman, (San Fransisco: Jossey-Bass, 1994): 201-212, 205.

## Simplicity of the Convention

The goal of mine ban proponents in creating an absolute prohibition of AP mines was to stigmatize landmines and create a norm against their use. Therefore the Ottawa Convention required a clear and concise prohibition with no loopholes and no exceptions. The simplicity of a concept is an intrinsic quality that can contribute to the ability of it to become an accepted norm. Norms that are clear and specific are more likely to be accepted.<sup>83</sup> Article 1 of the Ottawa Convention states that, “Each State Party undertakes never under any circumstances to use... develop, produce, otherwise acquire, stockpile, retain or transfer to anyone, directly or indirectly, anti-personnel mines.”<sup>84</sup> This language is not subject to interpretation or ambiguity, and there are no clauses qualifying this commitment.<sup>85</sup> It was decided that unequivocal language created a strong treaty, a necessity for creating a strong norm. In addition to the absolute nature of the language, the treaty did not have withdrawal or reservation clauses.

As expected, the absolute character and unyielding language of the treaty was subject to critique by states seeking to maintain some utility from mines. The most significant difficulty in this regard during the Ottawa Process arose from the demands that the US brought to the table. The US wanted an exception for mine use on the Korean Peninsula; it wanted anti-personnel mines that protect anti-tank mines to be classified as anti-handling devices and therefore exempted from the treaty. The US also sought a strengthened verification regime, a transition period for compliance and a

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<sup>83</sup> Finnemore and Sikkink, 1998.

<sup>84</sup> Ottawa Convention, Article 1:1.

<sup>85</sup> The only exception outlined in the Ottawa Convention is in Article 3, which allows for the retention of mines for training in mine detection, clearance or destruction and transfer of mines for the purpose of destruction.



withdrawal clause.<sup>86</sup> Confronted with strong opposition to its demands, the US finally withdrew from negotiations at Oslo. Mine ban proponents argued that to accept the reservations and exceptions of the US would ultimately compromise the integrity of the treaty. For the sake of the integrity of the norm, and the ability of the negotiation to move forward, the “deviate” [the US] was eventually left outside the negotiation process.<sup>87</sup>

Thakur and Maley argue that,

A humanitarian treaty seeks to make progress through stigmatization and the construction of normative barriers to use and deployment. Although US endorsement of the convention would have significantly added to its political weight, amending the treaty provisions to accommodate US preferences would have greatly diluted the humanitarian content of the regime... The humanitarian impulse proved stronger than the arms control caution.<sup>88</sup>

For a humanitarian treaty such as the Ottawa Convention, simplicity of the agreement, unequivocal language and an expedient process are all essential to the construction of a normative barrier. The process in this way is reflective of and responsive to the issue of the agreement. The US had to be “left behind” in the treaty process for the integrity of the norm.

The Ottawa Process was a multilateral negotiation on the prohibition of landmines. The goal of the treaty was evident at the outset of the negotiation process, a

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<sup>86</sup> Christopher Kirkey, “The Global Elimination of Landmines: Where is Washington,” *Bridgewater Review* 19, no. 1 (2000): 1.

<sup>87</sup> Jeffery Z. Rubin and Walter C. Swap, “Small Group Theory: Forming Consensus Through Group Processes”, in *International Multilateral Negotiation*, ed. by W. Zartman, (San Francisco: Jossey-Bass, 1994): 132-147, 137-140. This discusses the concept of a “deviate” in the context of negotiations, that refuse to go along with the group’s plan, and the treatment of deviates. The group can try to persuade the deviate to its point of view, ignore it, or if necessary threaten it with expulsion as pressure toward consensus.

<sup>88</sup> Ramesh Thakur and William Maley, “The Ottawa Convention on Landmines: A Landmark Humanitarian Treaty in Arms Control?” *Global Governance* 5, no. 3, (1999): 273-303, 276.

total prohibition of landmines. In such a multilateral negotiation, parties not agreeing can abstain without blocking the outcome, and “parties opposing can be left out as long as their number does not become significant.”<sup>89</sup> At the end of the negotiation the document was presented for signatures, with the consideration that states could sign on to the treaty at a later date. Upon ratification of an international legal convention, there is “direct applicability” to the domestic legal system. Generally, this is to say that a state must, within its constitutional framework, apply the tenets of the treaty.<sup>90</sup> The ability to sign at a later date allowed for states that agreed to the agreement in principle, to take the time needed to make the adjustments (structural or domestic) necessary to be able to sign onto the treaty. This clause allowed for a simple document, without the cumbersome exception clauses that would have been required for some states to sign at that time. The simplicity of the treaty was an intentional feature designed to make the issue and the decision well defined.<sup>91</sup>

As well as providing a framework for understanding the creation of norms Finnemore and Sikkink suggest a method for testing the establishment of a norm. “Because norms involve standards of ‘appropriate’ or ‘proper’ behaviour, both the intersubjective and the evaluative dimensions are inescapable when discussing norms”.<sup>92</sup> In relation to the Landmines Treaty, the evaluation of the treaty must include participation and compliance with treaty tenets. These criteria establish the extent to

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<sup>89</sup> William Zartman, “Two’s Company and More’s a Crowd: The Complexities of Multilateral Negotiation” in *International Multilateral Negotiation*, ed. by W. Zartman, (San Francisco: Jossey-Bass, 1994): 1-17, 6.

<sup>90</sup> Hugh M. Kindred, *International Law: Chiefly as Interpreted and Applied in Canada*, (Toronto: Emond Montgomery, 2003), 165.

<sup>91</sup> John English, “The Ottawa Process: Paths Followed, Paths Ahead,” *Australian Journal of International Affairs* 52, no. 2 (1998): 121-132.

<sup>92</sup> Finnemore and Sikkink, 1998.

which the Treaty and the norm has been accepted, and is becoming an international standard of behaviour.

## IV. EVALUATION OF AN EMERGING NORM

The Ottawa Process did indeed result in the creation of a treaty to ban landmines. Despite this success, the existence of a treaty does not necessarily indicate that the norm has been widely accepted. This section provides an evaluation of the treaty and the norm by surveying landmine behaviour. The trends in participation and compliance with a landmine ban, even among states not party to the treaty, indicate that the norm against landmines is gaining support.<sup>93</sup>

Critics of the success of the landmine ban offer several arguments that seek to undermine the role of the treaty in affecting state behaviour. Since major powers such as the United States, Russia, China, India and Pakistan have not yet signed the treaty and other states continue to produce mines, critics of the treaty argue that the landmine issue has not been resolved. As well as not having major players on board, Lenarcic claims that since the treaty has no enforcement or verification mechanisms there is no incentive for signatories to comply with the provisions of the treaty. In addition, simplicity of design, ease in hiding production, and state and private smuggling will nullify the manufacture and export ban.<sup>94</sup> Lenarcic and the National Center for Policy Analysis contend that most participating states do not manufacture or use landmines, and have signed the treaty because they have nothing to lose by doing so. Lenarcic argues that

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<sup>93</sup> Constructivist theory does not provide evaluative criteria nor does it necessarily recognize compliance as an indicator of the durability of a norm. Constructivists may argue that a norm can be robust, even without compliance. The following approach attempts to pursue the suggestion offered by Finnemore and Sikkink that constructivists should “evaluate [norms] in the context of carefully designed historical and empirical research.” (See footnote 19.) However, the constructivist literature is still lacking evaluative criteria and techniques. Therefore, the following analysis relies to an extent on premises and thinking found in neo-liberal institutionalist regime theory to interpret and explain the evolution of policy compliance with respect to the land-mines ban.

<sup>94</sup> Lenarcic, 1998, 38.

states that rely on landmines in the field will not be inclined to sign the treaty and that there is no way that non-state actors can be bound by the prohibition of landmines.

Other critics including Goldsworthy and Faulkner argue that although well meaning, the Ottawa Convention has not been successful in curbing mine use particularly among nations in the “undeveloped” world, which are most likely to use mines. They assert, using the example of Angola, that a state will fall back on whatever means necessary if pressed militarily.<sup>95</sup>

The central critique of the mine ban treaty is that it is ineffective to stop the manufacture, use, transfer and stockpiling of AP mines and thus contributes nothing to ameliorating the humanitarian problem caused by AP mines because the most influential mine using and producing states are not party to the ban. This argument is premised on the assumption that the provisions of the Ottawa Convention will not affect the behaviour of the major states. Table 2 in Appendix 3 illustrates that 180 million of the 200 million AP mines currently stockpiled belong to states that are not party to the Ottawa Convention. Although this statistic appears to support the critique of the Ottawa Convention, this table also shows that non-party states have destroyed more mines collectively than party states. This and other indicators of compliance will be evaluated below to demonstrate the acceptance of the norm. The trends of global mine use are examined, and behavioural evidence is presented that supports the notion that a norm is in fact gaining a wide degree of acceptance. Although imperfect, participation and compliance levels of both state and non-state parties to the Ottawa Convention, as well as non-state actors indicate a general trend toward a global landmine ban.

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<sup>95</sup> Graeme Goldsworthy and Frank Faulkner, “Armed Non-state actors and the Ban on Antipersonnel Mines”, *The Journal of Humanitarian Assistance*, (13 October 2003), <http://www.jha.ac/articles/a124.htm>.

## **Evaluation of the Norm**

Key behavioural indicators are the central evaluative criteria for norm acceptance. Although norms are not synonymous with behaviour, behaviours that seemingly comply with a norm, particularly without other apparent influence are indicative of the acceptance of the norm. An international norm can only be seen to be gaining acceptance if the community is adopting the generally accepted standards of behaviour reflective of that norm. A norm against the use of anti-personnel landmines has two key behavioural indicators: participation, or universality, demonstrated by the extent to which states are becoming involved in the mine ban process; and compliance, the fulfillment of obligations under the treaty and general conformity to the strictures of the emerging norm. This section will critically examine participation and compliance for indicators that the norm is being accepted.<sup>96</sup>

### **Participation in the norm process**

Participation in the norm process can be defined as involvement in the Ottawa Process or having signed and/or ratified the treaty. Participation in a global ban on landmines is not limited to state parties of the treaty, but can also include parties that, outside the Ottawa Process, have taken steps toward a mine ban. Indicators include an

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<sup>96</sup> The most accepted source for statistics regarding the Landmines Treaty is the Landmine Monitor Annual Report compiled by the ICBL, an organization that asserts that a norm is being created. A problem with the landmine statistics available is that under Article 7:2 of the Convention, state parties are required to prepare and provide annual transparency reports of their landmine activity. Although these reports are combined with other evidence provided by NGO's and other sources, the bulk of the information is prepared by the individual countries, may not always reflect the reality of the situation. In addition, since only state parties to the Convention are required to provide reporting, the information available for non-signatories is scarce. Finally, the complete compilation of these statistics only began with the first Landmine Monitor Report in 1999, and the information prior to that date is piecemeal. Despite these statistical challenges, there are clear trends in both participation and compliance that indicate the norm is being accepted.

increase in participation levels, steps non-signatories have taken toward a mine ban, and the participation of non-state actors.

The change in the participation level from the beginning of the Ottawa Process is the strongest indication that the norm is gaining acceptance. As previously discussed, some state actors had begun unilateral anti-mine action such as moratoria on mine use, production or export prior to the Ottawa Process, but it was only during the process that significant participation began. It was during this period that a critical mass of actors tipped the issue and created a norm cascade. In 1996, 50 states were ready to support a ban on anti-personnel mines, but at the end of Lloyd Axworthy's 13 months, 122 states signed the Ottawa Convention. From 1998 to 2003 between 8 and 40 states ratified the treaty each year.<sup>97</sup> As of November 29, 2004, 152 states have signed or acceded to the treaty and 144 of those have ratified the process.<sup>98</sup> Table 1 (see Appendix 3) illustrates the steady increase in mine ban ratifications from 1998 to January 2003. Ratifications are indicative of domestic support for the international commitment states accept in signing the treaty.

Not limited to state actors, participation also includes hundreds of NGOs who have endorsed the treaty and non-state actors, such as rebel groups, who are being engaged in the process in several ways. Although the 2003 ICBL report indicates that

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<sup>97</sup> International Campaign to Ban Landmines, *Landmine Monitor Report 1999*, (Washington, DC: Human Rights Watch, 1999); International Campaign to Ban Landmines, *Landmine Monitor Report 2000*, (Washington, DC: Human Rights Watch, 2000); International Campaign to Ban Landmines, *Landmine Monitor Report 2001*, (Washington, DC: Human Rights Watch, 2001); International Campaign to Ban Landmines, *Landmine Monitor Report 2002*, (Washington, DC: Human Rights Watch, 2002); and International Campaign to Ban Landmines, *Landmine Monitor Report 2003*, (Washington, DC: Human Rights Watch, 2003).

<sup>98</sup> International Campaign to Ban Landmines, "Treaty Members," International Campaign to Ban Landmines, <http://www.icbl.org/treaty/members>.

participation, or “universalization remains the biggest challenge facing ban supporters,”<sup>99</sup> there has been a positive trend toward the universalization of the treaty among state and non-state actors.

Many non-signatory states have also moved toward a mine ban, and most have indicated their support for a ban. There are some notable non-signatories including three of the permanent members of the United Nations Security Council, the United States, China and Russia, three members of the European Union, India and Pakistan and several heavily mined countries in South-East Asia. Most of these countries agree that there must be some restrictions on mine use, and have favoured the CCW forum where they can make reservations and exclusions to their compliance.<sup>100</sup>

Although the lack of participation of such influential world powers in the Ottawa Treaty process may appear to weaken the ban, a review of state landmine policy indicates that many of these states have embraced the concept of a mine ban, but are unwilling at this time to commit themselves to the treaty. States may not wish to join the Ottawa Convention for various reasons but may nevertheless have moved to comply with the norm embodied in the treaty.

## **The United States and Landmines**

The US is aiming to stop the use of AP mines that cannot be deactivated by 2010, a date that has been revised from the previous administration’s goal of 2006. The US has

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<sup>99</sup> International Campaign to Ban Landmines, 2003, 3.

<sup>100</sup> The US, China, Russia, India and Pakistan have all agreed to be bound by the CCW Protocol 2 which places restriction on mine use. United Nations, “Multilateral treaties deposited with the Secretary-General – Treaty I-XXVI,” United Nations, <http://untreaty.un.org/english/bible/englishinternetbible/partI/chapterXXVI/treaty4.asp>; and *Moscow Times*, “Land Mines Protocol,” *Moscow Times*, 24 November 30 2004, 4.



set aside over one billion dollars in funding for research into alternatives to antipersonnel mines. It has been researching alternative technologies including systems to replace mixed landmine fields, and alternatives that revolve around self-deactivation or self-destruct devices, adding an operator or advanced sensors capable of discrimination.<sup>101</sup> Interestingly, US landmine alternative programs focus on technology to overcome specific problems identified by the US during the Ottawa process such as anti-handling for anti-tank mines. Proposed alternatives also appear to focus on complying with the principles of discrimination, proportionality and unnecessary suffering.

The US Defense Advanced Research Projects Agency (DARPA) is designing a Self-Healing Minefield (SHM), intended to eliminate the need for AP landmine use as anti-handling devices for anti-tank mines. Currently, anti-tank mines are protected from tampering and removal by the use of AP mines, a sticking point for the US during Ottawa Convention negotiations. The SHM consists of up to 1,000 anti-tank mines, which can communicate with each other, determine where a breach in the field has occurred, then move to fill the gap.<sup>102</sup> Mines can be removed without allowing a breach in the minefield. Technology to incorporate anti-handling devices into anti-tank mines is also being explored.

Another technology being developed is a Non-Self Destructing – Alternative (NSD-A) system that can detect an intrusion in a minefield and send a signal to an operator who then decides if the field should be activated. This system could be enhanced by another technology under development, a Hand-Emplaced Sensor Field (HESF), which uses a varied array of sensors that set off a tripwire to alert the operator.

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<sup>101</sup> Nick Brown, "Absolute Minefields," *Jane's Defence Weekly* 36, no. 23 (2001).

<sup>102</sup> *International Defense Review*, "Intelligent Mines Seal Breaches," Vol. 35, no. 10 (2002).

The key addition of an operator to activate the field contributes to these mines complying with the proportionality and discrimination criteria of the international norm against landmines.

Other systems being researched by the US include command-detonated mines similar to the M18 Claymore mine, automatic self-deactivation, and non-lethal alternatives. Non-lethal devices could include the use of chemicals that are psychotropic, tranquillising or otherwise debilitating, directed-energy weapons such as tasers, microwaves or electromagnetic beams.<sup>103</sup>

Although criticized by mine ban proponents, this research is actively contributing to moving the US toward compliance with the tenets of the Ottawa Convention, and the basic humanitarian norms underlying the treaty. The US has publicly acknowledged the crisis caused by AP mines and admitted that mine action is an appropriate response. Despite this, the current US administration is no longer attending treaty conferences or workshops and does not intend to ratify the treaty in the future.<sup>104</sup> After a two and a half year review of landmine policy in the US, on February 27, 2004 the Bush administration announced its new policy on landmines. This policy includes: a commitment to end the use of 'persistent' landmines after 2010, a decision to end use of non-detectable landmines within one year, an initiative to develop alternative technology, and an increase of 50 percent in the budget of worldwide humanitarian mine action programs to \$70 million in 2005. While the policy acknowledges the humanitarian problems with landmines, it entrenches the US position that it will continue to use self-destructing anti-

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<sup>103</sup> Brown, 2001.

<sup>104</sup> United Nations Association of the United States of America, "Bush Administration Announces Landmine Policy; Focuses on Self-Destructing Mines, Humanitarian Assistance," United Nations Association of the United States of America, <http://www.unausa.org/policy/NewsActionAlerts/info/dc030104.asp>.

personnel and anti-vehicle landmines to protect its forces. During the announcement, Lincoln P. Bloomfield, Jr., Assistant Secretary of State for Political-Military Affairs stated explicitly that the US would not become party to the Ottawa Convention.<sup>105</sup>

Nonetheless, the review, the commitment to finding landmine alternatives and the above-mentioned unilateral commitments are evidence that some force, namely the landmine norm, is affecting US landmine behaviour.

In addition, some US commanders are voicing their reluctance to use current AP mine technology because of “the impact on mobility, fratricide potential and safety concerns.”<sup>106</sup> These acknowledgements indicate that the general opinion of AP mine users within the US is being affected by the anti-mine norm. Despite this reluctance to use AP mines, the US does continue to use mines, most notably in the demilitarized zone (DMZ) in Korea.

The American attempt to justify its use of landmines in Korea, action previously considered acceptable, is in itself an indication that the norm is achieving an evolving degree of respect. Although the demining of the Korean peninsula does not appear to be an immediate possibility, this does not signify a rejection of the norm by the US, as it has committed to using alternatives in the future. Therefore, once a political solution to the Korean conflict is reached and the DMZ is demined, the mine situation there will be resolved and another case like it is unlikely to develop. Furthermore, the case of landmine use in the DMZ does not pose the same immediate humanitarian concerns as it would in an inhabited area, and therefore the urgency of demining efforts on the peninsula is less critical. The focus of the landmine norm is humanitarian, and it is

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<sup>105</sup> Ibid.

<sup>106</sup> International Campaign to Ban Landmines, 2003, 706.

generally accepted even by the US, that AP mines are inherently inhumane in nature. Because of the unique geography of the Korean peninsula, the urgency of implementing the norm through demining is diminished.

### **Other Non-Signatory States and Landmines**

China, reportedly the largest producer of AP mines in the world, did not originally participate in the Ottawa process, and maintains that it reserves the right to use landmines. Despite this, it has begun to attend treaty conferences and meetings of the parties. According to the ICBL, in 2002 Chinese Ambassador Sha Zukang stated that, “the landmine ban is our ultimate goal but restrictions on the use of landmines are the realistic choice at this current stage.” China reported that it stopped producing AP mines without a self-destructive device in 1997 and all new mines are incorporating that feature. China is a state party to the CCW, and it is under CCW auspices that China is moving toward a more humane type of mine. Although this is not an acceptance of a complete ban, it does indicate that China is attempting to address the humanitarian issues associated with landmines. Other recent initiatives by the Chinese government include an effort to de-mine the Vietnam/China border and a continued commitment to attending and participating in the annual conferences of the parties.<sup>107</sup> Since a large portion of its border is shared with Russia and the Commonwealth of Independent States, it is likely that any change in China’s position towards the use of landmines will evolve with that of its neighbours. Although it has taken a different route, China has acknowledged the problem with landmines and is seeking a solution. This in itself is progress toward compliance with a mine ban.

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<sup>107</sup> Ibid., 572.

Despite sharing the concern of the international community related to the mine problem, in November of 2002, Major General Alexander Averchenko, the Russian Minister of Defence stated:

The Ministry of Defense of the Russian Federation considers anti-personnel mines as a necessary element in its purely defensive arsenal.... At this stage we are not prepared to implement the radical requirements related to a complete ban on and destruction of anti-personnel mines, and immediately accede to the Ottawa Convention.<sup>108</sup>

Unlike the current administration of the United States, which has clearly stated that it will not join the treaty, Russia has outlined the preconditions that are needed for joining the Ottawa Convention. These include the design and production of an alternative to antipersonnel mines as well as the ability to clear affected areas within the treaty specified timeframe.<sup>109</sup> Although there is little publicly available information about Russian research into landmine alternatives, the Russian State Research and Development Engineer Institute and the Science-Research Machinery Building Institute are reportedly studying ways to modify current mine models to comply with the Ottawa Convention<sup>110</sup>. Until it can meet these objectives, Russia is unlikely to join the treaty.

Although Russia remains outside of the treaty framework, it has begun to move towards complying with the treaty. The country's moratorium on the export of mines has expired, but no mines have been exported since its expiration, and a new moratorium is underway.<sup>111</sup> In addition, production of at least six of the ten types of antipersonnel mines Russia produces has been halted since 1992, and 18.65 million mines have been

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<sup>108</sup> Major General Alexander Averchenko, Minister of Defense quoted in International Campaign to Ban Landmines, 2003, 667.

<sup>109</sup> International Campaign to Ban Landmines, 2003, 667.

<sup>110</sup> Brown, 2001.

<sup>111</sup> International Campaign to Ban Landmines, 2003, 668.

destroyed in Russia alone since 1996.<sup>112</sup> Russia is working towards compliance with the treaty, and unlike the United States it still contends that it will ultimately ratify the treaty.

The fact that the world's three largest military powers remain outside of the treaty is of concern. The movement toward mine destruction<sup>113</sup> and the research efforts into alternatives are promising, and although the United States has given up on the treaty process, China and Russia appear to be committed to its eventual ratification.

There are also promising developments among other non-signatory states, Finland has confirmed that it will join the Ottawa Convention in 2012 and has committed to eliminate remaining AP mines along its eastern border with Russia.<sup>114</sup> In addition, Poland and Latvia have made statements indicating that their governments are prepared to join the Ottawa Convention.<sup>115</sup> During the 2004 Nairobi Summit, 23 states not party to the treaty including China, Cuba, Egypt, India, Iraq, Lebanon, Somalia and Sri Lanka attended the conference as observer states, which campaigners say points to broad support for the goals of the mine ban treaty.<sup>116</sup> During the summit, Ethiopia announced its ratification of the Ottawa Convention; this brings the total number of member states to 144,<sup>117</sup> including all of sub-Saharan Africa, except Somalia.

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<sup>112</sup> International Campaign to Ban Landmines, 2004, 20. It is estimated that Russia's current stockpile is between 22-25 million mines.

<sup>113</sup> See Appendix 3, Table 2 on the stockpile destruction of member and non-member states. It is estimated that there were 262 million landmines stockpiled in 1999 when the Ottawa Convention came into force. By 2004, member states had destroyed approximately 2/3 of their stockpiles. Non-member states had only destroyed 1/10 of their stockpiles. Over half of the remaining stockpiled landmines belong to China, a state that continues to work towards the goals of the Ottawa Convention. (See above.)

<sup>114</sup> *Jane's Defence Weekly*, "In Brief – Finland to Eliminate Mines by 2016," Vol. 41, no. 39.

<sup>115</sup> Kjell Knudsen, "Poland and Latvia get ready to embrace the Ban... but leave Finland out in the cold," International Campaign to Ban Landmines, <http://www.icbl.org/news/neeupre>.

<sup>116</sup> International Campaign to Ban Landmines, "Nairobi Summit: a springboard for action towards a mine-free world," International Campaign to Ban Landmines, [http://www.icbl.org/news/summit\\_end\\_press\\_statement](http://www.icbl.org/news/summit_end_press_statement).

<sup>117</sup> International Campaign to Ban Landmines, "Nairobi Summit on a Mine-Free World Daily Update #1," International Campaign to Ban Landmines, [http://www.icbl.org/news/summit\\_update\\_1](http://www.icbl.org/news/summit_update_1).

As non-members, the 42 “hold out” states have no obligation to comply with the articles of the treaty. However as suggested above, many of these states are cognisant of the emerging norm against the production, use and transfer of anti-personnel mines and have adapted their own defence policies to comply with that norm, indicating that the norm has shaped their interests with respect to landmines. Many of these states continue to state their commitment to the eventual ratification of the treaty and the eradication of antipersonnel landmines.

### **Non-State Actors and Landmines**

Understanding that states are not the only actors using landmines complicates the evaluation of participation. Although the gross majority of discourse relates to the participation of states, there remain around 200 non-state entities that are directly involved in landmines production, trade and use.<sup>118</sup> These non-state actors include rebel groups, warlords, “terrorist organizations”, and “freedom fighters.” In this context a non-state actor is limited to a group with a basic command structure, capacity to plan armed operations and a basic understanding of humanitarian law.<sup>119</sup> Because landmines are based on a simple concept, are inexpensive and readily available, they have traditionally been a weapon of choice for many non-state actors.

In March 2000, a conference brought together NGOs, governments, international organizations, and representatives from non-state entities in Geneva to discuss the need to

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<sup>118</sup> International Campaign to Ban Landmines, “Summary Proceedings.” (Engaging Non-State Actors in a Landmine Ban: A Pioneering Conference, Geneva, Switzerland, March 24-25, 2000.) <http://www.icbl.org/wg/nsa/library/nsaconf.html>.

<sup>119</sup> Martin Rupiya, “One Man's Terrorist is Another's Liberator,” (lecture, Engaging Non-State Actors in a Landmine Ban, March 2000), <http://www.genevacall.org/resources/testi-referencematerials/testi-otherdocuments/testi-nsa-fconference/03-final%20chapter%202.pdf>. In a December 1999 workshop on engaging NSAs, the Henri Dunant Centre defined a non-state actor in this way.

facilitate the abolition of landmines with non-state actors.<sup>120</sup> This conference led to the creation of the Non-State Actors Working Group (NSAWG), which has since worked in high conflict areas around the globe in an effort to create solid commitments from armed non-governmental groups to comply with the objectives of the treaty. In the past four years groups in Burundi, Somalia, Sudan, Burma, India, the Philippines and Iraq have signed twenty-six “Deeds of Commitment for Adherence to a Total Ban on Anti-Personnel Mines and for Cooperation in Mine Action.”<sup>121</sup> The work of NSAWG also helps delegitimize mines as a valid military tool. In 2002 representatives of NSAWG met with the Liberation Tigers of Tamil Eelam (LTTE) and the Government of Sri Lanka to discuss the implementation of a Deed of Commitment and the ratification of the treaty. Both parties expressed willingness regarding the eradication of landmines based on a bilateral process.<sup>122</sup> The NSAWG is now acting as an organizational platform to promote the landmine norm among non-state actors, without which the norm cannot become fully realized.

The main indicator that non-state actors recognize the norm is the proliferation of Deeds of Commitment. In the last three years, twenty-six groups have committed to the tenets of the treaty, and many more are in negotiations with their government and representatives from the NSAWG. These commitments are coming from groups that are in an armed conflict and have minimal resources, making them some of the most likely users of antipersonnel landmines. Yet these groups recognize the emerging norm and are willing to seek alternatives as they commit to the non-use of mines. Coupled with this

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<sup>120</sup> International Campaign to Ban Landmines, “Non-State Actors Working Group (NSAWG),” International Campaign to Ban Landmines, <http://www.icbl.org/campaign/wg/nsa>.

<sup>121</sup> Geneva Call, “Signatory Groups,” Geneva Call, <http://www.genevacall.org/resources/testi-referencematerials/deeds-signatory-groups.htm>.

<sup>122</sup> International Campaign to Ban Landmines, 2003, 781.



commitment is a decrease in the use of mines as a military tool among non-state actors. Although eleven countries had non-state actors who used AP mines in the 2003 period, this is a decrease from the fourteen countries reported in the 2002 period,<sup>123</sup> nineteen countries in 2001,<sup>124</sup> and the thirty rebel groups reported to have used AP mines in 2000.<sup>125</sup> Clearly the use of anti-personnel mines is on a decline even by non-state actors.

Parties of all descriptions have been engaged in the process to end mine use. Over three-quarters of the nations of the world have committed to the mine ban. Other notable states are working toward alternatives and curbing the spread of mines. Even non-state actors are being engaged with success. This level of engagement and participation on all fronts is indicative of the general acceptance of a landmine norm.

### **Compliance with the treaty**

To demonstrate that the Ottawa Convention embodies an accepted norm against landmines, it is also useful to look at the compliance to the tenets of the treaty by all parties. The Convention has set forth several obligations that can be tested for compliance. Article 1:1 of the Landmines Convention states:

Each State Party undertakes never under any circumstances:

- a) To use anti-personnel mines;
- b) To develop, produce, otherwise acquire, stockpile, retain or transfer to anyone, directly or indirectly, anti-personnel mines

These are the core tenets of the agreement, and compliance with these obligations indicates that despite having relatively weak external verification and enforcement

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<sup>123</sup> International Campaign to Ban Landmines, 2002.

<sup>124</sup> International Campaign to Ban Landmines, 2001.

<sup>125</sup> International Campaign to Ban Landmines, 2000. The statistic available was number of rebel groups as opposed to the number of countries in which rebel groups used mines. Reliable data is not available on use by non-state actors before 2000.

mechanisms, the interests and resulting behaviour of state-parties is being modified by the norm.<sup>126</sup>

Through the continual documentation of hundreds of sources, the data collected in the ICBL's annual landmine report demonstrates a marked decrease and overall downward trend in antipersonnel mine use since the early 1990's when the problem began receiving attention. Over the past ten years there has been a decrease in the production, use and transfer of landmines, as well as an increase in demining efforts,<sup>127</sup> education of the public in mine affected areas, and an increase in victim assistance.

In the 2003 report, the ICBL claims that during that reporting period only six countries have confirmed use of landmines as opposed to nine in 2002 and thirteen in 2001.<sup>128</sup> Although there have been allegations that Burundi, a state party may have used mines, all of the governments that have confirmed mine-use, India, Iraq, Myanmar, Nepal, Pakistan and Russia, are not signatories of the Ottawa Convention.

In previous years, there have been relatively few allegations that state parties had contravened the Convention. The most important incidents occurred in 1998 when Angola, Guinea-Bissau and Senegal reportedly used AP mines after signing the treaty. Since only Senegal had ratified the treaty, only it "can be judged in breach of its international obligations."<sup>129</sup> As these incidents were directly linked to conflicts with

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<sup>126</sup> In addition to the fundamental obligations of Article 1, Articles 2, 3, 4, 5, 7 and 9 oblige states to take action with regards to claymore mines, stockpiles destruction, de-mining, annual reporting and the implementation of domestic landmine legislation. Some member states have also begun to file positions on the illegality of engaging in joint activities with non-member states that may be using antipersonnel mines.

<sup>127</sup> According to the International Campaign to Ban Landmines, 83 states are still considered mine-affected, 65 of which have mine clearance activity ongoing, and 6 member states have been cleared. In total 1,100 square kilometres of land have been cleared, 4 million AP mines, 1 million vehicle mines and 8 million unexploded ordinances have been destroyed.

<sup>128</sup> International Campaign to Ban Landmines, 2003, 5-6.

<sup>129</sup> International Campaign to Ban Landmines, 1999.

non-state actors, the work of the NSAWG will be vital in ensuring future compliance by promoting the norm among both state and non-state actors.

All states party to the Ottawa Convention are obligated to destroy their AP mines within 4 years of the treaty coming into force for that party. For the states that were party to the treaty when it entered into force on March 1, 1999, the destruction deadline was March 1, 2003. The ICBL reports that all state parties subject to that deadline met it, with 2 minor exceptions.<sup>130</sup> Of member states, 51 have completed destruction, 48 reported not having maintained stockpiles, and all other parties are in the process of destroying their stockpiles or have outlined plans to complete the destruction within their treaty obligations.

There is some certainty that the stockpiles of member states will not be replenished, since all remaining landmine producers are non-member states. Further, all member states have a perfect compliance record regarding the ban on mine transfers, and all mine producing non-member states have, at the very least, a de facto export ban in place. This has led to a global ban on the export of anti-personnel mines.

Compliance with the tenets of the treaty among member states is very good. However, ongoing international coordination is necessary for effective mine action in mine-affected regions. Humanitarian mine clearance continues in mine affected countries including member and non-member states. The existing AP mine problem is extremely widespread, but even the extent of the problem has not been adequately assessed. There are 82 countries considered to be “mine affected”. Funding is a major

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<sup>130</sup> International Campaign to Ban Landmines, 2003. The 2 exceptions were Djibouti which was 2 days late in fulfilling its obligations, and Turkmenistan, which reported completion, but declared the retention of 69,200 mines. The treaty stipulates that state parties may only retain as few mines as “absolutely necessary” for training and demining exercises.

issue for mine action. Since 1997, over US \$2 billion has been provided for mine action, including demining. In recognition of the importance of mine action, and in furtherance of its leadership role, Canada has committed at least an additional \$72 million for the 2003-2008 period.<sup>131</sup>

These incidents of compliance provide evidence that despite having a self-verification and reporting enforcement regime state parties are for the most part compliant with the tenets of the convention. Furthermore, although not party to the convention, some major landmine users, including non-state actors are making moves toward compliance with the ban. These factors indicate that the behaviour of these actors is being affected by the norm against landmines.

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<sup>131</sup> Ross Hynes, "Notes for an address by His Excellency Ross Hynes Ambassador for Mine Action," (Historic Deposit of the Nobel-Laureate ICBL Archival Records to the National Archives of Canada, Ottawa, Canada, September 25, 2004), <http://www.mines.gc.ca/VII/archives-en.asp>.

## CONCLUSION

Based on the levels of participation and compliance among member states, non-member states and even non-state actors, it is clear that there is a diminishing trend in AP mine manufacture, transfer and use. Whether within the auspices of the Ottawa Convention or unilaterally, actors are shifting their policy and their behaviour to support a ban. The constructivist paradigm provides a solid theory to explain this behaviour. This trend is indicative of the growing acceptance of a norm that is modifying the behaviour of landmine actors.

The acceptance of the norm is due to the hard work and leadership of NGOs who were committed to ameliorating a humanitarian problem. These norm entrepreneurs had the precedence of existing international legal principles to support their case against landmines. They used marketing-like tactics to spread their message that a total and complete ban on landmines was necessary. This campaign convinced a coalition of middle-power states to adopt the cause, and go outside the traditional arms control negotiation process to achieve it. Once outside the cumbersome CCW process, continued campaigning and leadership created a momentum that even the abstention of major powers could not dampen. The simplicity of the concept was captured in the Ottawa Convention; a total prohibition of AP landmines. The support for the treaty grew to a critical mass, and with the treaty, a norm was created. During the recent Nairobi Summit, the ICBL cautioned states against departing from the Ottawa Process and slipping into a

consensus-driven process, or letting it lose momentum,<sup>132</sup> which would be detrimental to the goal of universal acceptance of the landmine norm.

The landmine norm continues to require support. It has not yet been internalised to the point where compliance can be taken for granted. Due to the scale of the existing landmine problem, programs to fund de-mining and reconstruction efforts will continue to be necessary for a permanent change in the existing humanitarian conditions. As the norm gains greater acceptance among all actors, even those that remain outside the treaty, fewer and fewer new mines will be laid, and the landmine problem will further diminish.

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<sup>132</sup> International Campaign to Ban Landmines, "Nairobi Summit on a Mine-Free World Daily Update #3," International Campaign to Ban Landmines, [http://www.icbl.org/news/summit\\_update\\_3](http://www.icbl.org/news/summit_update_3).

## APPENDICES

### Appendix 1: Text of the Ottawa Convention<sup>133</sup>

#### Preamble

The States Parties,

**Determined** to put an end to the suffering and casualties caused by anti-personnel mines, that kill or maim hundreds of people every week, mostly innocent and defenceless civilians and especially children, obstruct economic development and reconstruction, inhibit the repatriation of refugees and internally displaced persons, and have other severe consequences for years after emplacement,

**Believing** it necessary to do their utmost to contribute in an efficient and coordinated manner to face the challenge of removing anti-personnel mines placed throughout the world, and to assure their destruction,

**Wishing** to do their utmost in providing assistance for the care and rehabilitation, including the social and economic reintegration of mine victims,

**Recognizing** that a total ban of anti-personnel mines would also be an important confidence-building measure,

**Welcoming** the adoption of the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices, as amended on 3 May 1996, annexed to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, and calling for the early ratification of this Protocol by all States which have not yet done so,

**Welcoming** also United Nations General Assembly Resolution 51/45 S of 10 December 1996 urging all States to pursue vigorously an effective, legally-binding international agreement to ban the use, stockpiling, production and transfer of anti-personnel landmines,

**Welcoming** furthermore the measures taken over the past years, both unilaterally and multilaterally, aiming at prohibiting, restricting or suspending the use, stockpiling, production and transfer of anti-personnel mines,

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<sup>133</sup> "Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and their Destruction," September 18, 1997, *United Nations Treaty Series* 2056: 241.

**Stressing** the role of public conscience in furthering the principles of humanity as evidenced by the call for a total ban of anti-personnel mines and recognizing the efforts to that end undertaken by the International Red Cross and Red Crescent Movement, the International Campaign to Ban Landmines and numerous other non-governmental organizations around the world,

**Recalling** the Ottawa Declaration of 5 October 1996 and the Brussels Declaration of 27 June 1997 urging the international community to negotiate an international and legally binding agreement prohibiting the use, stockpiling, production and transfer of anti-personnel mines,

**Emphasizing** the desirability of attracting the adherence of all States to this Convention, and determined to work strenuously towards the promotion of its universalization in all relevant fora including, inter alia, the United Nations, the Conference on Disarmament, regional organizations, and groupings, and review conferences of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects,

**Basing** themselves on the principle of international humanitarian law that the right of the parties to an armed conflict to choose methods or means of warfare is not unlimited, on the principle that prohibits the employment in armed conflicts of weapons, projectiles and materials and methods of warfare of a nature to cause superfluous injury or unnecessary suffering and on the principle that a distinction must be made between civilians and combatants,

Have agreed as follows:

## **Article 1**

### **General obligations**

1. Each State Party undertakes never under any circumstances:
  - a. To use anti-personnel mines;
  - b. To develop, produce, otherwise acquire, stockpile, retain or transfer to anyone, directly or indirectly, anti-personnel mines;
  - c. To assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Convention.
2. Each State Party undertakes to destroy or ensure the destruction of all anti-personnel mines in accordance with the provisions of this Convention.

## **Article 2**

### **Definitions**

1. "Anti-personnel mine" means a mine designed to be exploded by the presence, proximity or contact of a person and that will incapacitate, injure or kill one or more persons. Mines designed to be detonated by the presence, proximity or contact of a vehicle as opposed to a person, that are equipped with anti-handling devices, are not considered anti-personnel mines as a result of being so equipped.



2. "Mine" means a munition designed to be placed under, on or near the ground or other surface area and to be exploded by the presence, proximity or contact of a person or a vehicle.
3. "Anti-handling device" means a device intended to protect a mine and which is part of, linked to, attached to or placed under the mine and which activates when an attempt is made to tamper with or otherwise intentionally disturb the mine.
4. "Transfer" involves, in addition to the physical movement of anti-personnel mines into or from national territory, the transfer of title to and control over the mines, but does not involve the transfer of territory containing emplaced anti-personnel mines.
5. "Mined area" means an area which is dangerous due to the presence or suspected presence of mines.

### **Article 3**

#### **Exceptions**

1. Notwithstanding the general obligations under Article 1, the retention or transfer of a number of anti-personnel mines for the development of and training in mine detection, mine clearance, or mine destruction techniques is permitted. The amount of such mines shall not exceed the minimum number absolutely necessary for the above-mentioned purposes.
2. The transfer of anti-personnel mines for the purpose of destruction is permitted.

### **Article 4**

#### **Destruction of stockpiled anti-personnel mines**

Except as provided for in Article 3, each State Party undertakes to destroy or ensure the destruction of all stockpiled anti-personnel mines it owns or possesses, or that are under its jurisdiction or control, as soon as possible but not later than four years after the entry into force of this Convention for that State Party.

### **Article 5**

#### **Destruction of anti-personnel mines in mined areas**

1. Each State Party undertakes to destroy or ensure the destruction of all anti-personnel mines in mined areas under its jurisdiction or control, as soon as possible but not later than ten years after the entry into force of this Convention for that State Party.
2. Each State Party shall make every effort to identify all areas under its jurisdiction or control in which anti-personnel mines are known or suspected to be emplaced and shall ensure as soon as possible that all anti-personnel mines in mined areas under its jurisdiction or control are perimeter-marked, monitored and protected by fencing or other means, to ensure the effective exclusion of civilians, until all anti-personnel mines contained therein have been destroyed. The marking shall at least be to the standards set out in the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices, as amended on 3 May 1996, annexed to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects.
3. If a State Party believes that it will be unable to destroy or ensure the destruction of all anti-personnel mines referred to in paragraph 1 within that time period, it may

- submit a request to a Meeting of the States Parties or a Review Conference for an extension of the deadline for completing the destruction of such anti-personnel mines, for a period of up to ten years.
4. Each request shall contain:
    - a. The duration of the proposed extension;
    - b. A detailed explanation of the reasons for the proposed extension, including:
      - i. The preparation and status of work conducted under national demining programs;
      - ii. The financial and technical means available to the State Party for the destruction of all the anti-personnel mines; and
      - iii. Circumstances which impede the ability of the State Party to destroy all the anti-personnel mines in mined areas;
    - c. The humanitarian, social, economic, and environmental implications of the extension; and
    - d. Any other information relevant to the request for the proposed extension.
  5. The Meeting of the States Parties or the Review Conference shall, taking into consideration the factors contained in paragraph 4, assess the request and decide by a majority of votes of States Parties present and voting whether to grant the request for an extension period.
  6. Such an extension may be renewed upon the submission of a new request in accordance with paragraphs 3, 4 and 5 of this Article. In requesting a further extension period a State Party shall submit relevant additional information on what has been undertaken in the previous extension period pursuant to this Article.

## **Article 6**

### **International cooperation and assistance**

1. In fulfilling its obligations under this Convention each State Party has the right to seek and receive assistance, where feasible, from other States Parties to the extent possible.
2. Each State Party undertakes to facilitate and shall have the right to participate in the fullest possible exchange of equipment, material and scientific and technological information concerning the implementation of this Convention. The States Parties shall not impose undue restrictions on the provision of mine clearance equipment and related technological information for humanitarian purposes.
3. Each State Party in a position to do so shall provide assistance for the care and rehabilitation, and social and economic reintegration, of mine victims and for mine awareness programs. Such assistance may be provided, inter alia, through the United Nations system, international, regional or national organizations or institutions, the International Committee of the Red Cross, national Red Cross and Red Crescent societies and their International Federation, non-governmental organizations, or on a bilateral basis.
4. Each State Party in a position to do so shall provide assistance for mine clearance and related activities. Such assistance may be provided, inter alia, through the United Nations system, international or regional organizations or institutions, non-governmental organizations or institutions, or on a bilateral basis, or by contributing

- to the United Nations Voluntary Trust Fund for Assistance in Mine Clearance, or other regional funds that deal with demining.
5. Each State Party in a position to do so shall provide assistance for the destruction of stockpiled anti-personnel mines.
  6. Each State Party undertakes to provide information to the database on mine clearance established within the United Nations system, especially information concerning various means and technologies of mine clearance, and lists of experts, expert agencies or national points of contact on mine clearance.
  7. States Parties may request the United Nations, regional organizations, other States Parties or other competent intergovernmental or non-governmental fora to assist its authorities in the elaboration of a national demining program to determine, inter alia:
    - a. The extent and scope of the anti-personnel mine problem;
    - b. The financial, technological and human resources that are required for the implementation of the program;
    - c. The estimated number of years necessary to destroy all anti-personnel mines in mined areas under the jurisdiction or control of the concerned State Party;
    - d. Mine awareness activities to reduce the incidence of mine-related injuries or deaths;
    - e. Assistance to mine victims;
    - f. The relationship between the Government of the concerned State Party and the relevant governmental, inter-governmental or non-governmental entities that will work in the implementation of the program.
  8. Each State Party giving and receiving assistance under the provisions of this Article shall cooperate with a view to ensuring the full and prompt implementation of agreed assistance programs.

## **Article 7**

### **Transparency measures**

1. Each State Party shall report to the Secretary-General of the United Nations as soon as practicable, and in any event not later than 180 days after the entry into force of this Convention for that State Party on:
  - a. The national implementation measures referred to in Article 9;
  - b. The total of all stockpiled anti-personnel mines owned or possessed by it, or under its jurisdiction or control, to include a breakdown of the type, quantity and, if possible, lot numbers of each type of anti-personnel mine stockpiled;
  - c. To the extent possible, the location of all mined areas that contain, or are suspected to contain, anti-personnel mines under its jurisdiction or control, to include as much detail as possible regarding the type and quantity of each type of anti-personnel mine in each mined area and when they were emplaced;
  - d. The types, quantities and, if possible, lot numbers of all anti-personnel mines retained or transferred for the development of and training in mine detection, mine clearance or mine destruction techniques, or transferred for the purpose of destruction, as well as the institutions authorized by a State Party to retain or transfer anti-personnel mines, in accordance with Article 3;
  - e. The status of programs for the conversion or de-commissioning of anti-personnel mine production facilities;

- f. The status of programs for the destruction of anti-personnel mines in accordance with Articles 4 and 5, including details of the methods which will be used in destruction, the location of all destruction sites and the applicable safety and environmental standards to be observed;
  - g. The types and quantities of all anti-personnel mines destroyed after the entry into force of this Convention for that State Party, to include a breakdown of the quantity of each type of anti-personnel mine destroyed, in accordance with Articles 4 and 5, respectively, along with, if possible, the lot numbers of each type of anti-personnel mine in the case of destruction in accordance with Article 4;
  - h. The technical characteristics of each type of anti-personnel mine produced, to the extent known, and those currently owned or possessed by a State Party, giving, where reasonably possible, such categories of information as may facilitate identification and clearance of anti-personnel mines; at a minimum, this information shall include the dimensions, fusing, explosive content, metallic content, colour photographs and other information which may facilitate mine clearance; and
  - i. The measures taken to provide an immediate and effective warning to the population in relation to all areas identified under paragraph 2 of Article 5.
2. The information provided in accordance with this Article shall be updated by the States Parties annually, covering the last calendar year, and reported to the Secretary-General of the United Nations not later than 30 April of each year.
  3. The Secretary-General of the United Nations shall transmit all such reports received to the States Parties.

## **Article 8**

### **Facilitation and clarification of compliance**

1. The States Parties agree to consult and cooperate with each other regarding the implementation of the provisions of this Convention, and to work together in a spirit of cooperation to facilitate compliance by States Parties with their obligations under this Convention.
2. If one or more States Parties wish to clarify and seek to resolve questions relating to compliance with the provisions of this Convention by another State Party, it may submit, through the Secretary-General of the United Nations, a Request for Clarification of that matter to that State Party. Such a request shall be accompanied by all appropriate information. Each State Party shall refrain from unfounded Requests for Clarification, care being taken to avoid abuse. A State Party that receives a Request for Clarification shall provide, through the Secretary-General of the United Nations, within 28 days to the requesting State Party all information which would assist in clarifying this matter.
3. If the requesting State Party does not receive a response through the Secretary-General of the United Nations within that time period, or deems the response to the Request for Clarification to be unsatisfactory, it may submit the matter through the Secretary-General of the United Nations to the next Meeting of the States Parties. The Secretary-General of the United Nations shall transmit the submission, accompanied by all appropriate information pertaining to the Request for Clarification, to all States

- Parties. All such information shall be presented to the requested State Party which shall have the right to respond.
4. Pending the convening of any meeting of the States Parties, any of the States Parties concerned may request the Secretary-General of the United Nations to exercise his or her good offices to facilitate the clarification requested.
  5. The requesting State Party may propose through the Secretary-General of the United Nations the convening of a Special Meeting of the States Parties to consider the matter. The Secretary-General of the United Nations shall thereupon communicate this proposal and all information submitted by the States Parties concerned, to all States Parties with a request that they indicate whether they favour a Special Meeting of the States Parties, for the purpose of considering the matter. In the event that within 14 days from the date of such communication, at least one-third of the States Parties favours such a Special Meeting, the Secretary-General of the United Nations shall convene this Special Meeting of the States Parties within a further 14 days. A quorum for this Meeting shall consist of a majority of States Parties.
  6. The Meeting of the States Parties or the Special Meeting of the States Parties, as the case may be, shall first determine whether to consider the matter further, taking into account all information submitted by the States Parties concerned. The Meeting of the States Parties or the Special Meeting of the States Parties shall make every effort to reach a decision by consensus. If despite all efforts to that end no agreement has been reached, it shall take this decision by a majority of States Parties present and voting.
  7. All States Parties shall cooperate fully with the Meeting of the States Parties or the Special Meeting of the States Parties in the fulfilment of its review of the matter, including any fact-finding missions that are authorized in accordance with paragraph 8.
  8. If further clarification is required, the Meeting of the States Parties or the Special Meeting of the States Parties shall authorize a fact-finding mission and decide on its mandate by a majority of States Parties present and voting. At any time the requested State Party may invite a fact-finding mission to its territory. Such a mission shall take place without a decision by a Meeting of the States Parties or a Special Meeting of the States Parties to authorize such a mission. The mission, consisting of up to 9 experts, designated and approved in accordance with paragraphs 9 and 10, may collect additional information on the spot or in other places directly related to the alleged compliance issue under the jurisdiction or control of the requested State Party.
  9. The Secretary-General of the United Nations shall prepare and update a list of the names, nationalities and other relevant data of qualified experts provided by States Parties and communicate it to all States Parties. Any expert included on this list shall be regarded as designated for all fact-finding missions unless a State Party declares its non-acceptance in writing. In the event of non-acceptance, the expert shall not participate in fact-finding missions on the territory or any other place under the jurisdiction or control of the objecting State Party, if the non-acceptance was declared prior to the appointment of the expert to such missions.
  10. Upon receiving a request from the Meeting of the States Parties or a Special Meeting of the States Parties, the Secretary-General of the United Nations shall, after consultations with the requested State Party, appoint the members of the mission, including its leader. Nationals of States Parties requesting the fact-finding mission or

directly affected by it shall not be appointed to the mission. The members of the fact-finding mission shall enjoy privileges and immunities under Article VI of the Convention on the Privileges and Immunities of the United Nations, adopted on 13 February 1946.

11. Upon at least 72 hours notice, the members of the fact-finding mission shall arrive in the territory of the requested State Party at the earliest opportunity. The requested State Party shall take the necessary administrative measures to receive, transport and accommodate the mission, and shall be responsible for ensuring the security of the mission to the maximum extent possible while they are on territory under its control.
12. Without prejudice to the sovereignty of the requested State Party, the fact-finding mission may bring into the territory of the requested State Party the necessary equipment which shall be used exclusively for gathering information on the alleged compliance issue. Prior to its arrival, the mission will advise the requested State Party of the equipment that it intends to utilize in the course of its fact-finding mission.
13. The requested State Party shall make all efforts to ensure that the fact-finding mission is given the opportunity to speak with all relevant persons who may be able to provide information related to the alleged compliance issue.
14. The requested State Party shall grant access for the fact-finding mission to all areas and installations under its control where facts relevant to the compliance issue could be expected to be collected. This shall be subject to any arrangements that the requested State Party considers necessary for:
  - a. The protection of sensitive equipment, information and areas;
  - b. The protection of any constitutional obligations the requested State Party may have with regard to proprietary rights, searches and seizures, or other constitutional rights; or
  - c. The physical protection and safety of the members of the fact-finding mission.In the event that the requested State Party makes such arrangements, it shall make every reasonable effort to demonstrate through alternative means its compliance with this Convention.
15. The fact-finding mission may remain in the territory of the State Party concerned for no more than 14 days, and at any particular site no more than 7 days, unless otherwise agreed.
16. All information provided in confidence and not related to the subject matter of the fact-finding mission shall be treated on a confidential basis.
17. The fact-finding mission shall report, through the Secretary-General of the United Nations, to the Meeting of the States Parties or the Special Meeting of the States Parties the results of its findings.
18. The Meeting of the States Parties or the Special Meeting of the States Parties shall consider all relevant information, including the report submitted by the fact-finding mission, and may request the requested State Party to take measures to address the compliance issue within a specified period of time. The requested State Party shall report on all measures taken in response to this request.
19. The Meeting of the States Parties or the Special Meeting of the States Parties may suggest to the States Parties concerned ways and means to further clarify or resolve the matter under consideration, including the initiation of appropriate procedures in conformity with international law. In circumstances where the issue at hand is

determined to be due to circumstances beyond the control of the requested State Party, the Meeting of the States Parties or the Special Meeting of the States Parties may recommend appropriate measures, including the use of cooperative measures referred to in Article 6.

20. The Meeting of the States Parties or the Special Meeting of the States Parties shall make every effort to reach its decisions referred to in paragraphs 18 and 19 by consensus, otherwise by a two-thirds majority of States Parties present and voting.

## **Article 9**

### **National implementation measures**

Each State Party shall take all appropriate legal, administrative and other measures, including the imposition of penal sanctions, to prevent and suppress any activity prohibited to a State Party under this Convention undertaken by persons or on territory under its jurisdiction or control.

## **Article 10**

### **Settlement of disputes**

1. The States Parties shall consult and cooperate with each other to settle any dispute that may arise with regard to the application or the interpretation of this Convention. Each State Party may bring any such dispute before the Meeting of the States Parties.
2. The Meeting of the States Parties may contribute to the settlement of the dispute by whatever means it deems appropriate, including offering its good offices, calling upon the States parties to a dispute to start the settlement procedure of their choice and recommending a time-limit for any agreed procedure.
3. This Article is without prejudice to the provisions of this Convention on facilitation and clarification of compliance.

## **Article 11**

### **Meetings of the States Parties**

1. The States Parties shall meet regularly in order to consider any matter with regard to the application or implementation of this Convention, including:
  - a. The operation and status of this Convention;
  - b. Matters arising from the reports submitted under the provisions of this Convention;
  - c. International cooperation and assistance in accordance with Article 6;
  - d. The development of technologies to clear anti-personnel mines;
  - e. Submissions of States Parties under Article 8; and
  - f. Decisions relating to submissions of States Parties as provided for in Article 5.
2. The First Meeting of the States Parties shall be convened by the Secretary-General of the United Nations within one year after the entry into force of this Convention. The subsequent meetings shall be convened by the Secretary-General of the United Nations annually until the first Review Conference.
3. Under the conditions set out in Article 8, the Secretary-General of the United Nations shall convene a Special Meeting of the States Parties.

4. States not parties to this Convention, as well as the United Nations, other relevant international organizations or institutions, regional organizations, the International Committee of the Red Cross and relevant non-governmental organizations may be invited to attend these meetings as observers in accordance with the agreed Rules of Procedure.

## **Article 12**

### **Review Conferences**

1. A Review Conference shall be convened by the Secretary-General of the United Nations five years after the entry into force of this Convention. Further Review Conferences shall be convened by the Secretary-General of the United Nations if so requested by one or more States Parties, provided that the interval between Review Conferences shall in no case be less than five years. All States Parties to this Convention shall be invited to each Review Conference.
2. The purpose of the Review Conference shall be:
  - a. To review the operation and status of this Convention;
  - b. To consider the need for and the interval between further Meetings of the States Parties referred to in paragraph 2 of Article 11;
  - c. To take decisions on submissions of States Parties as provided for in Article 5; and
  - d. To adopt, if necessary, in its final report conclusions related to the implementation of this Convention.
3. States not parties to this Convention, as well as the United Nations, other relevant international organizations or institutions, regional organizations, the International Committee of the Red Cross and relevant non-governmental organizations may be invited to attend each Review Conference as observers in accordance with the agreed Rules of Procedure.

## **Article 13**

### **Amendments**

1. At any time after the entry into force of this Convention any State Party may propose amendments to this Convention. Any proposal for an amendment shall be communicated to the Depositary, who shall circulate it to all States Parties and shall seek their views on whether an Amendment Conference should be convened to consider the proposal. If a majority of the States Parties notify the Depositary no later than 30 days after its circulation that they support further consideration of the proposal, the Depositary shall convene an Amendment Conference to which all States Parties shall be invited.
2. States not parties to this Convention, as well as the United Nations, other relevant international organizations or institutions, regional organizations, the International Committee of the Red Cross and relevant non-governmental organizations may be invited to attend each Amendment Conference as observers in accordance with the agreed Rules of Procedure.
3. The Amendment Conference shall be held immediately following a Meeting of the States Parties or a Review Conference unless a majority of the States Parties request that it be held earlier.



4. Any amendment to this Convention shall be adopted by a majority of two-thirds of the States Parties present and voting at the Amendment Conference. The Depositary shall communicate any amendment so adopted to the States Parties.
5. An amendment to this Convention shall enter into force for all States Parties to this Convention which have accepted it, upon the deposit with the Depositary of instruments of acceptance by a majority of States Parties. Thereafter it shall enter into force for any remaining State Party on the date of deposit of its instrument of acceptance.

## **Article 14**

### **Costs**

1. The costs of the Meetings of the States Parties, the Special Meetings of the States Parties, the Review Conferences and the Amendment Conferences shall be borne by the States Parties and States not parties to this Convention participating therein, in accordance with the United Nations scale of assessment adjusted appropriately.
2. The costs incurred by the Secretary-General of the United Nations under Articles 7 and 8 and the costs of any fact-finding mission shall be borne by the States Parties in accordance with the United Nations scale of assessment adjusted appropriately.

## **Article 15**

### **Signature**

This Convention, done at Oslo, Norway, on 18 September 1997, shall be open for signature at Ottawa, Canada, by all States from 3 December 1997 until 4 December 1997, and at the United Nations Headquarters in New York from 5 December 1997 until its entry into force.

## **Article 16**

### **Ratification, acceptance, approval or accession**

1. This Convention is subject to ratification, acceptance or approval of the Signatories.
2. It shall be open for accession by any State which has not signed the Convention.
3. The instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.

## **Article 17**

### **Entry into force**

1. This Convention shall enter into force on the first day of the sixth month after the month in which the 40th instrument of ratification, acceptance, approval or accession has been deposited.
2. For any State which deposits its instrument of ratification, acceptance, approval or accession after the date of the deposit of the 40th instrument of ratification, acceptance, approval or accession, this Convention shall enter into force on the first day of the sixth month after the date on which that State has deposited its instrument of ratification, acceptance, approval or accession.

## **Article 18**

### **Provisional application**

Any State may at the time of its ratification, acceptance, approval or accession, declare that it will apply provisionally paragraph 1 of Article 1 of this Convention pending its entry into force.

### **Article 19**

#### **Reservations**

The Articles of this Convention shall not be subject to reservations.

### **Article 20**

#### **Duration and withdrawal**

1. This Convention shall be of unlimited duration.
2. Each State Party shall, in exercising its national sovereignty, have the right to withdraw from this Convention. It shall give notice of such withdrawal to all other States Parties, to the Depositary and to the United Nations Security Council. Such instrument of withdrawal shall include a full explanation of the reasons motivating this withdrawal.
3. Such withdrawal shall only take effect six months after the receipt of the instrument of withdrawal by the Depositary. If, however, on the expiry of that six-month period, the withdrawing State Party is engaged in an armed conflict, the withdrawal shall not take effect before the end of the armed conflict.
4. The withdrawal of a State Party from this Convention shall not in any way affect the duty of States to continue fulfilling the obligations assumed under any relevant rules of international law.

### **Article 21**

#### **Depositary**

The Secretary-General of the United Nations is hereby designated as the Depositary of this Convention.

### **Article 22**

#### **Authentic texts**

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

## Appendix 2: Signatories and Ratifications to the Ottawa Convention<sup>134</sup>

As of 4 February 2005, 152 signatories/accessions and 144 ratifications or accessions (a). 8 have signed the treaty but not ratified, these are shown in bold below.

1. Afghanistan 11 Sep 02 (a)
2. Albania 8 Sep 98; 29 Feb 00
3. Algeria 3 Dec 97; 9 Oct 01
4. Andorra 3 Dec 97; 29 Jun 98
5. Angola 4 Dec 97; 5 Jul 02
6. Antigua and Barbuda 3 Dec 97; 3 May 99
7. Argentina 4 Dec 97; 14 Sep 99
8. Australia 3 Dec 97; 14 Jan 99
9. Austria 3 Dec 97; 29 Jun 98
10. Bahamas 3 Dec 97; 31 Jul 98
11. Bangladesh 7 May 98; 6 Sep 00
12. Barbados 3 Dec 97; 26 Jan 99
13. Belarus 3 Sep 03 (a)
14. Belgium 3 Dec 97; 4 Sep 98
15. Belize 27 Feb 98; 23 Apr 98
16. Benin 3 Dec 97; 25 Sep 98
17. Bolivia 3 Dec 97; 9 Jun 98
18. Bosnia and Herzegovina 3 Dec 97; 8 Sep 98
19. Botswana 3 Dec 97; 1 Mar 00
20. Brazil 3 Dec 97; 30 Apr 99
21. **Brunei Darussalem 4 Dec 97**
22. Bulgaria 3 Dec 97; 4 Sep 98
23. Burkina Faso 3 Dec 97; 16 Sep 98
24. Burundi 3 Dec 97; 22 Oct 03
25. Cambodia 3 Dec 97; 28 Jul 99
26. Cameroon 3 Dec 97; 19 Sep 02
27. Canada 3 Dec 97; 3 Dec 97
28. Cape Verde 4 Dec 97; 14 May 01
29. Central African Republic 8 Nov 02 (a)
30. Chad 6 Jul 98; 6 May 99
31. Chile 3 Dec 97; 10 Sep 01
32. Colombia 3 Dec 97; 6 Sep 00
33. Comoros 9 Sep 02 (a)
34. Congo (Brazzaville) 4 May 01 (a)
35. Congo, Democratic Rep. Of 2 May 02 (a)

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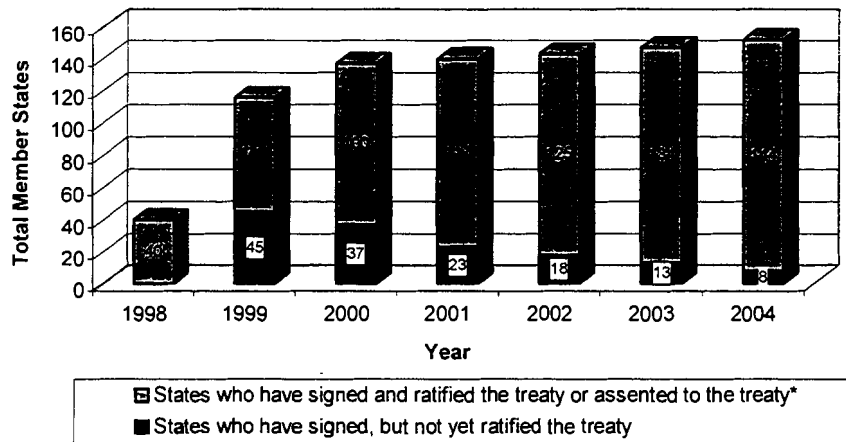
<sup>134</sup> International Campaign to Ban Landmines, "Treaty Members," International Campaign to Ban Landmines, <http://www.icbl.org/treaty/members>.

36. **Cook Islands 3 Dec 97**
37. Costa Rica 3 Dec 97; 17 Mar 99
38. Cote d Ivoire 3 Dec 97; 30 Jun 00
39. Croatia 4 Dec 97; 20 May 98
40. Cyprus 4 Dec 97; 17 Jan 03
41. Czech Republic 3 Dec 97; 26 Oct 99
42. Denmark 4 Dec 97; 8 Jun 98
43. Djibouti 3 Dec 97; 18 May 98
44. Dominica 3 Dec 97; 26 Mar 99
45. Dominican Republic 3 Dec 97; 30 Jun 00
46. Ecuador 4 Dec 97; 29 Apr 99
47. El Salvador 4 Dec 97; 27 Jan 99
48. Equatorial Guinea 16 Sep 98 (a)
49. Eritrea 27 Aug 01 (a)
50. Estonia 12 May 04 (a)
51. Ethiopia 3 Dec 97
52. Fiji 3 Dec 97; 10 Jun 98
53. France 3 Dec 97; 23 Jul 98
54. Gabon 3 Dec 97; 8 Sep 00
55. Gambia 4 Dec 97; 23 Sep 02
56. Germany 3 Dec 97; 23 Jul 98
57. Ghana 4 Dec 97; 30 Jun 00
58. Greece 3 Dec 97; 25 Sep 03
59. Grenada 3 Dec 97; 19 Aug 98
60. Guatemala 3 Dec 97; 26 Mar 99
61. Guinea 4 Dec 97; 8 Oct 98
62. Guinea-Bissau 3 Dec 97; 22 May 01
63. Guyana 4 Dec 97; 5 Aug 03
64. **Haiti 3 Dec 97**
65. Holy See 4 Dec 97; 17 Feb 98
66. Honduras 3 Dec 97; 24 Sep 98
67. Hungary 3 Dec 97; 6 Apr 98
68. Iceland 4 Dec 97; 5 May 99
69. **Indonesia 4 Dec 97**
70. Ireland 3 Dec 97; 3 Dec 97
71. Italy 3 Dec 97; 23 Apr 99
72. Jamaica 3 Dec 97; 17 Jul 98
73. Japan 3 Dec 97; 30 Sep 98
74. Jordan 11 Aug 98; 13 Nov 98
75. Kenya 5 Dec 97; 23 Jan 01
76. Kiribati 7 Sep 00 (a)
77. Lesotho 4 Dec 97; 2 Dec 98
78. Liberia 23 Dec 99 (a)
79. Liechtenstein 3 Dec 97; 5 Oct 99
80. Lithuania 26 Feb 99; 12 May 03
81. Luxembourg 4 Dec 97; 14 Jun 99

82. Macedonia FYR 9 Sep 98 (a)
83. Madagascar 4 Dec 97; 16 Sep 99
84. Malawi 4 Dec 97; 13 Aug 98
85. Malaysia 3 Dec 97; 22 Apr 99
86. Maldives 1 Oct 98; 7 Sep 00
87. Mali 3 Dec 97; 2 Jun 98
88. Malta 4 Dec 97; 7 May 01
89. **Marshall Islands 4 Dec 97**
90. Mauritania 3 Dec 97; 21 Jul 00
91. Mauritius 3 Dec 97; 3 Dec 97
92. Mexico 3 Dec 97; 9 Jun 98
93. Moldova 3 Dec 97; 8 Sep 00
94. Monaco 4 Dec 97; 17 Nov 98
95. Mozambique 3 Dec 97; 25 Aug 98
96. Namibia 3 Dec 97; 21 Sep 98
97. Nauru 7 Aug 00 (a)
98. Netherlands 3 Dec 97; 12 Apr 99
99. New Zealand 3 Dec 97; 27 Jan 99
100. Nicaragua 4 Dec 97; 30 Nov 98
101. Niger 4 Dec 97; 23 Mar 99
102. Nigeria 27 Sep 01 (a)
103. Niue 3 Dec 97; 15 Apr 98
104. Norway 3 Dec 97; 9 Jul 98
105. Panama 4 Dec 97; 7 Oct 98
106. Papua New Guinea 28 Jun 04 (a)
107. Paraguay 3 Dec 97; 13 Nov 98
108. Peru 3 Dec 97; 17 Jun 98
109. Philippines 3 Dec 97; 15 Feb 00
110. **Poland 4 Dec 97**
111. Portugal 3 Dec 97; 19 Feb 99
112. Qatar 4 Dec 97; 13 Oct 98
113. Romania 3 Dec 97; 30 Nov 00
114. Rwanda 3 Dec 97; 8 Jun 00
115. Saint Kitts and Nevis 3 Dec 97; 2 Dec 98
116. Saint Lucia 3 Dec 97; 13 Apr 99
117. Saint Vincent and the Grenadines 3 Dec 97; 1 Aug 01
118. Samoa 3 Dec 97; 23 Jul 98
119. San Marino 3 Dec 97; 18 Mar 98
120. Sao Tome e Principe 30 Apr 98; 31 Mar 03
121. Senegal 3 Dec 97; 24 Sep 98
122. Serbia and Montegro 18 Sep 03 (a)
123. Seychelles 4 Dec 97; 2 Jun 00
124. Sierra Leone 29 Jul 98; 25 Apr 01
125. Slovak Republic 3 Dec 97; 25 Feb 99
126. Slovenia 3 Dec 97; 27 Oct 98
127. Solomon Islands 4 Dec 97; 26 Jan 99

128. South Africa 3 Dec 97; 26 Jun 98
129. Spain 3 Dec 97; 19 Jan 99
130. Sudan 4 Dec 97; 13 Oct 03
131. Suriname 4 Dec 97; 23 May 02
132. Swaziland 4 Dec 97; 22 Dec 98
133. Sweden 4 Dec 97; 30 Nov 98
134. Switzerland 3 Dec 97; 24 Mar 98
135. Tajikistan 12 Oct 99 (a)
136. Tanzania 3 Dec 97; 13 Nov 00
137. Thailand 3 Dec 97; 27 Nov 98
138. Timor-Leste 7 May 03 (a)
139. Togo 4 Dec 97; 9 Mar 00
140. Trinidad and Tobago 4 Dec 97; 27 Apr 98
141. Tunisia 4 Dec 97; 9 Jul 99
142. Turkey 25 Sep 03 (a)
143. Turkmenistan 3 Dec 97; 19 Jan 98
144. Uganda 3 Dec 97; 25 Feb 99
145. **Ukraine 24 Feb 99**
146. United Kingdom 3 Dec 97; 31 Jul 98
147. Uruguay 3 Dec 97; 7 Jun 01
148. **Vanuatu 4 Dec 97**
149. Venezuela 3 Dec 97; 14 Apr 99
150. Yemen 4 Dec 97; 1 Sep 98
151. Zambia 12 Dec 97; 23 Feb 01
152. Zimbabwe 3 Dec 97; 18 Jun 98

## Appendix 3: Tables



Source: International Campaign to Ban Landmines, *Landmine Monitor Report 1999*, Washington, DC: Human Rights Watch, 1999; International Campaign to Ban Landmines, *Landmine Monitor Report 2000*, Washington, DC: Human Rights Watch, 2000; International Campaign to Ban Landmines, *Landmine Monitor Report 2001*, Washington, DC: Human Rights Watch, 2001; International Campaign to Ban Landmines, *Landmine Monitor Report 2002*, Washington, DC: Human Rights Watch, 2002; International Campaign to Ban Landmines, *Landmine Monitor Report 2003*, Washington, DC: Human Rights Watch, 2003; and International Campaign to Ban Landmines, *Landmine Monitor Report 2004*, Washington, DC: Human Rights Watch, 2004.

\* Until the treaty came into force states could sign the treaty, with ratification to occur at a later time. Since the treaty came into force, states have only been able to assent to the treaty rather than the previous two-part ratification process. Ratification and assent are equally binding.

**Table 1: Universalization of the Ottawa Convention**

<b>Table 2: State stockpiles of AP mines</b>		
<b>Landmines stockpiled in 1999</b>	<b>262 million</b>	
	<b>Destroyed by 2004 (millions)</b>	<b>Remaining Stockpile in 2004 (millions)</b>
<b>China</b>	1.7	110
<b>Russia</b>	18.65	25
<b>US</b>	3.3	10.4
<b>Other Non-Member States</b>	1.05	34.6
<b>Total Non-Member States</b>	24.7	180
<b>Total Member States</b>	37.3	20
<b>Worldwide stockpile</b>	62	200

Source: International Campaign to Ban Landmines, *Landmine Monitor Report 1999*, Washington, DC: Human Rights Watch, 1999; and International Campaign to Ban Landmines, *Landmine Monitor Report 2004*, Washington, DC: Human Rights Watch, 2004.



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