

1997: the year of a treaty banning anti-personnel mines?

Following widespread disappointment with the modest amendments made in 1996 to Protocol II relating to landmines, of the 1980 Convention on Certain Conventional Weapons (CCW), hopes have risen that 1997 may see the adoption and signing of a new international treaty prohibiting the production, export, transfer and use of anti-personnel landmines. Although such a treaty might not attract universal adherence at the outset, it would nevertheless establish a significant international legal norm and represent a major advance towards the ICRC's goal of bringing the scourge of landmines to an end.

Recent diplomatic initiatives

On 3 May 1996, during the concluding session of the CCW Review Conference, the Canadian government announced that, given the limited progress that had been achieved over more than two years of negotiations, it would convene a meeting of like-minded States in Canada later in the year to discuss how to make further progress towards a total ban on anti-personnel mines. The Ottawa Conference, which took place over three days in October 1996, brought together 50 pro-ban States, representatives of the United Nations, the ICRC, and representatives of the International Campaign to Ban Landmines, a global coalition of non-governmental organizations (NGOs), to work out a strategy for the total prohibition of anti-personnel mines. An "Ottawa Group" of 50 States was formed around a political declaration calling for joint efforts to:

- prohibit and eliminate anti-personnel mines;
- significantly increase resources for mine clearance and victim assistance;
- progressively reduce or end their own use of anti-personnel mines;
- support a General Assembly resolution calling for a total ban;

- promote regional initiatives in favour of a ban.

In his closing address to the Conference, the Canadian Foreign Minister issued an invitation to all governments to return to Ottawa in December 1997 to sign a legally binding agreement banning anti-personnel landmines. Following the Ottawa Conference, the United States introduced a draft resolution at the United Nations General Assembly calling upon States to negotiate a new treaty totally prohibiting anti-personnel mines. In December 1996, 155 States voted in favour of the General Assembly resolution (A/51/45S), which urges States "to pursue vigorously an effective, legally binding international agreement to ban the use, stockpiling, production and transfer of anti-personnel landmines with a view to completing the negotiation as soon as possible". No votes were cast against this resolution and only 10 States abstained.

At the end of January 1997, the ICRC listed 53 countries which had publicly expressed their support for a global ban on the production, transfer, stockpiling and use of anti-personnel mines. Of these, 28 have either renounced or suspended use of anti-personnel mines by their own forces.

New initiatives towards a ban treaty are currently being pursued along two tracks. As part of the "Ottawa process", it is planned to hold a series of preparatory meetings of interested governments in 1997. The first of these meetings, an exchange of views on a draft treaty text, was held in Vienna from 12-14 February 1997. Representatives of 111 governments, the United Nations, the ICRC and the International Campaign to Ban Landmines participated in the meeting. A revised draft treaty text is being prepared on the basis of the discussions and will be the subject of detailed negotiations at the forthcoming meetings in Brussels (June) and Oslo (October) prior to its adoption and signature in Ottawa in December 1997. In parallel with the Ottawa process, the issue of a negotiated end to the scourge of landmines has recently been proposed as an agenda item for the United Nations Conference on Disarmament in Geneva.

The ICRC's latest position paper on landmines, entitled *Landmines: Crucial decisions in 1997*, offered strong support to the Ottawa process, without disregarding other important initiatives. The overriding objective must be the establishment of a binding international agreement to prohibit unequivocally the production, transfer, use and stockpiling of all anti-personnel mines. For such a prohibition to be truly meaningful, potential loopholes, such as the ambiguous definition of an anti-personnel mine introduced into amended Protocol II of the 1980 CCW, must be firmly closed. Even if such an agreement is initially endorsed by as few as the 38 States which were party to the 1980 CCW a few years ago,

adherence as with other treaties, can and will increase over time, as has been the case with other treaties.

Campaigning for a ban, assistance to victims and mine clearance

In tandem with this process, the ICRC's public advocacy campaign launched in November 1995 continues to grow in strength. The campaign, which is run in cooperation with more than 45 National Red Cross and Red Crescent Societies, is designed to mobilize public opinion and foster political will, using the press, television and radio to stigmatize anti-personnel mines in the public conscience. An estimated 600 million people worldwide have already been reached by this message. The campaign also seeks to raise awareness of the need to increase assistance to mine victims and to strengthen mine-clearance programmes. A new series of powerful advertisements supporting the ICRC's message, *Landmines must be stopped*, are currently being finalized. These are intended for use in the international and national media during 1997; it is hoped that they will further reinforce the perception of anti-personnel mines as indiscriminate weapons which must be banned.

At the same time, the needs of the hundreds of thousands of mine victims are slowly being addressed. In early March 1997, an inter-governmental conference is being convened by the Japanese government in Tokyo to consider how to improve the assistance rendered to mine casualties. Despite the best efforts of the ICRC and other humanitarian organizations, too many mine victims are left to fend for themselves because of lack of resources, transport and trained medical specialists, and also because of security and access problems. The ICRC's Health Division has contributed to the Tokyo conference a detailed paper entitled *Assistance for victims of anti-personnel mines: Needs, constraints and strategies*. This document sets out the ICRC's approach to helping landmine victims and proposes practical action by the international community to increase the availability of, and access to, adequate assistance in terms of rehabilitation and care.

The Tokyo conference will also consider the pressing need to strengthen humanitarian mine-clearance programmes. Although the United Nations is developing a set of standards for mine-clearance operations, a major increase in resources is urgently needed to clear priority areas in dozens of severely mine-affected countries across Africa, the Americas, Asia and Europe. Mine clearance is expensive, but so is the cost — human, social and economic — of leaving tens of millions of uncleared landmines scattered over more than 70 countries. At the same

time, resources must be committed to research on and development of low-cost but more effective mine-clearance technologies.

While continuing to encourage increased mine-clearance funding, the ICRC has highlighted the need for programmes to assist communities living with an existing mine threat. In order to alert civilians to the dangers of mines and to teach them how to reduce the risk of injury as they go about their daily lives, the ICRC and the National Red Cross and Red Crescent Societies have been conducting major mine-awareness programmes in at least 11 countries in Africa, Asia, Central America and Central and Eastern Europe (Afghanistan, Armenia, Azerbaijan, Bosnia-Herzegovina, Colombia, Croatia, Mozambique, Nicaragua, Somalia, Tajikistan and Yemen). Countless lives and limbs have already been saved in this way.

Regional initiatives

As a complement to global action, the ICRC continues to stress the value of regional and national initiatives. In this context the ICRC sponsored a seminar on "Anti-personnel mines, mine clearance and rehabilitation of victims in Central America" in Managua in May 1996. The two-day meeting, which brought together the governments of Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Nicaragua and Panama as well as Red Cross Societies, United Nations agencies, donors and NGOs, drew up a broad strategy for the elimination of the mine threat in Central America. The seminar's recommendations called for a total international prohibition of anti-personnel mines backed by effective national legislation, strengthened mine-clearance programmes and improved access to rehabilitative care for mine victims, the ultimate objective being to establish a regional zone free of anti-personnel mines.

In June 1996, the General Assembly of the Organization of American States (OAS) passed a resolution calling for a global prohibition of anti-personnel mines and the establishment of an anti-personnel mine-free zone in the Americas. The OAS called upon member States to institute national moratoria on the production, transfer and use of anti-personnel mines and to ratify the 1980 Convention, in particular amended Protocol II. The OAS also decided to create a registry of mine stocks, mine-clearance efforts and uncleared mines in the region. The OAS effort was soon bolstered by a "regional accord" of the Council of Foreign Ministers of Central America of 12 September 1996, in which Ministers

committed their countries to establishing a regional mine-free zone and to enacting national laws to that effect.

Following the encouraging developments in the Americas, a number of initiatives are being launched in other regions in 1997. An international conference organized by the International Campaign to Ban Landmines in Maputo on 25-28 February 1997 brought together more than 450 participants from 60 countries, mostly African, to promote moves towards a mine-free southern Africa. During the conference, the ICRC convened a strategy meeting on landmines for National Red Cross Societies in the region. The meeting resulted in a forceful joint declaration by the Societies calling upon governments from the region among other things to support the Ottawa process and to implement national prohibitions on anti-personnel mines. In April 1997 military and political experts from southern Africa met at an ICRC seminar in Harare to consider global developments, regional approaches and possible ways forward. In May the Organization of African Unity will sponsor a continental conference in South Africa to address mine clearance, improved assistance to victims and political efforts to end the scourge of landmines in Africa.

In Europe the ICRC, jointly with the Refugee Commission of the Council of Europe, held a one-day seminar on anti-personnel mines in March. The gathering, for Council of Europe parliamentarians from Western Europe, the Russian Federation, the Balkans, the newly independent States and Central Europe, addressed the human, social and economic impact of mines, their military utility, and ongoing global, regional and national initiatives towards a ban. Plans are also under way to organize a consultation of Asian military and political analysts in Manila later in the year.

The agenda for 1997

The international, regional and national initiatives being supported by governments, regional organizations, NGOs and the ICRC throughout 1997 will keep the mines issue high on the international agenda, contribute to the stigmatization of anti-personnel mines and build up further momentum towards their elimination. Decisions made this year will decide the fate of tens of thousands of innocent civilians in the years to come. A new legal instrument prohibiting anti-personnel mines may crown the achievements of 1997. A legal agreement is in itself only one step towards ending the humanitarian emergency created by landmines. But it will stand as a beacon of hope, a signal that the international community has both the

ability and the intention to end the “epidemic” of landmines which threatens the lives and livelihoods of so many individuals and communities around the world.

Peter Herby
Adviser
Legal Division, ICRC