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TABLE OF CONTENTS

Editor's Note

<i>Kerstin HOFFMAN</i>	1
------------------------------	---

Special Comment

<i>Jody WILLIAMS</i>	3
----------------------------	---

Framework for a Mine-Free World

Landmine Survivors Speak Out <i>Jerry WHITE</i>	7
--	---

Implementing Ottawa: Continuity and Change in the Roles of NGOs <i>David C. ATWOOD</i>	19
---	----

Landmine Monitor: Citizens Verification in Action <i>Stephen D. GOOSE & Mary WAREHAM</i>	33
---	----

Verification of the Ottawa Convention: Workable Hybrid or Fatal Compromise? <i>Trevor FINDLAY</i>	45
--	----

The Continuation of the Ottawa Process: Intersessional Work and the Role of Geneva <i>Steffen KONGSTAD</i>	57
---	----

Open Forum

Progress on Mine Action Principles <i>Bill HOWELL</i>	63
--	----

After the Mines Are Cleared <i>Denise COGHLAN</i>	68
--	----

UNIDIR Activities	73
--------------------------------	----

Publications	79
---------------------------	----

EDITOR'S NOTE

Less than six months ago, the First Meeting of States Parties to the Ottawa Convention met in Maputo, Mozambique. This was both the last step of an exciting process and the first step down a new road. The Ottawa Process, which led to a treaty that entered into force in March of this year, holds the record for several “firsts”: the fastest negotiation and entry into force of any arms control or disarmament treaty; the first arms control treaty to incorporate a provision for victim assistance; the notable and unusual way that the process bypassed established negotiation fora and created a broad coalition of like-minded governments, institutions and organizations; the crucial role of non-governmental organizations in the process — as recognized by the 1997 Nobel Peace Prize given to the International Campaign to Ban Landmines and Jody Williams. With the treaty’s entry into force, we celebrate the conclusion of an inspiring process.

Yet this is also a beginning. We have new challenges ahead. This issue of *Disarmament Forum*, Framework for a Mine-Free World, pulls together the various elements that make up the Ottawa Treaty in an attempt to focus our vision on the work ahead. Our attention must shift from “negotiation mode” to promoting implementation, universality, victim assistance, the ongoing role of NGOs, demining principles and verification. This issue of *Disarmament Forum* examines these topics from a number of different perspectives — economic, political, social and developmental — in an attempt to produce a more complete picture of the desired directions for landmine clearance, victim relief and post-conflict development. Gratitude goes out to all of our authors, who have worked right down to the wire to provide the up-to-date and forward-looking contributions contained herein. Additionally, I would like to thank Susan Walker, David Atwood and Steffen Kongstad for their generous help in the conception of this issue. As we go to press, the current number of ratifications stands at 86 — by the time you are reading this, we hope that number is even higher.

The first issue of *Disarmament Forum* in 2000 will examine the future of the NPT. Since the indefinite extension of the NPT in 1995, the disarmament and non-proliferation regimes have been confronted by numerous challenges. Concerns about non-compliance, the nuclear weapon tests in South Asia, political roadblocks in both the American Senate and the Russian Duma all mean that next year’s conference will be set in very different circumstances than the 1995 conference. Questions to be considered in this issue include how did we get to this precarious situation, is further nuclear disarmament likely, and could the NPT collapse at some point in the future, as well as suggesting some constructive approaches to the 2000 Review Conference.

We have recently welcomed two new colleagues to UNIDIR. Dr. Susan Willett, a defence economist, joins us from the Centre for Southern African Studies at the University of Sussex. She will be contributing her valuable expertise in military expenditure, defence conversion, demilitarization and development to UNIDIR’s Costs of Disarmament project. With several years of experience with

peace-keeping, disarmament and preventive diplomacy issues, Dr. Anatole Ayissi has joined us as Project Manager for UNIDIR's West African project. Dr. Ayissi is returning to UNIDIR — in 1994, he was a Visiting Fellow at the Institute. We will keep our readers posted on the evolution of their respective projects.

In the Open Forum section of the last issue we featured a proposal regarding bringing help to the Kurdish victims of Saddam Hussein's 1988 chemical weapons attack in Northern Iraq. I would like to give an update on this important effort and a clarification.

In early August 1999, Dr. Gosden and the Washington Kurdish Institute convened a meeting supported by the United States State Department and the Swiss Federal Department of Foreign Affairs to concentrate and focus efforts towards a cohesive and implementable aid programme. Groups previously separated by political or geographic divides came together and pledged help. As a result, the **Halabja Post-Graduate Medical Institute** has been formed with the support of all the Kurdish political parties and their health ministers. Its purpose is to establish an academic structure through which ethical foundations for both humanitarian and medical responses can be laid to benefit all the victims of chemical and biological weapons in the region. It also will be the unifying focal point for the stringent scientific processes needed to determine the effects of such weapons and to provide mechanisms for the delivery of international assistance.

It was not clear from the article that Dr. Christine Gosden and Derek Gardener are both at the University of Liverpool, University Department, Liverpool Women's Hospital, Crown Street, Liverpool, L8 7SS, England; Mike Amitay is at the Washington Kurdish Institute, 605 G Street, S.W. Washington, DC 20024, USA; and Bakhtiar Amin is at the Human Rights Alliance, 3410 White Oak Court, Fairfax, VA 22030, USA.

As we come to the end of 1999, I'd like to thank all our readers who have taken time over *Disarmament Forum's* first year of publication to offer helpful comments, suggestions and feedback. Both Valérie Fanin and myself look forward to your continued help in improving the journal.

We share with you our hopes that the coming century will bring widely shared peace and security throughout the world.

Kerstin Hoffman

SPECIAL COMMENT

The International Campaign to Ban Landmines (ICBL) and its governmental and other partners in the global effort to eliminate anti-personnel landmines from the world's arsenals have been, by almost any standard, wildly successful in their work. The goal of banning landmines — viewed by almost everyone at the beginning of this decade as utopian — is within reach.

Virtually no one believed when the ICBL was launched in late 1992 that it would be the engine driving the world toward an international treaty banning this weapon within five years. The Mine Ban Treaty (MBT) opened for signature on 3 December 1997 in Ottawa, Canada — it has now been signed by 135 nations and within the space of about nineteen months, eighty-six of that number have ratified. The Treaty, which became binding international law more quickly than any other in history, provides the framework for the eventual elimination of the weapon from the planet and for assistance to landmine survivors.

While the ultimate goal still remains to be achieved, the ban movement has already brought about decreased use, trade, production and stockpiling of landmines. Additionally, there has been a decrease in the number of mine victims in some of the most highly contaminated countries in the world. At the same time, resources for mine action programmes and for assistance to mine victims have increased.

Clearly, by most measures, the work of the ICBL has been tremendously successful. It has been so successful that many would have expected — indeed, probably many hoped — that the ICBL would 'declare victory' and ratchet down its work and leave the rest to governments. But if anything, the Landmine Campaign has been so successful because it has been proactive.

The ICBL has understood at every step that it is primarily because of the intense pressure that it has generated through global public awareness that it has achieved so much in such a short period. It is that fundamental understanding that keeps the ICBL at the forefront of the ban movement, and that inspires so many with its model of 'citizen diplomacy' and of global coalition efforts to bring about social and political change.

Even as the MBT was being negotiated, the ICBL was looking ahead. With the creation of its Landmine Monitor, the Campaign sought to systematically track treaty implementation and compliance and provide benchmarks against which to measure success on the ground in terms of mine action and victim assistance. The Monitor process has also been a powerful tool for action by various campaign members as they track government action — or inaction — and gather field data for the Monitor's database and its annual reports. The reports, produced to coincide with the annual meetings of states parties to the MBT, are a powerful tool to keep pressure on governments.

While the ban movement recognizes the ICBL as its engine, it is the core partnership between the Campaign and truly committed pro-ban governments that has been essential to the success of the movement. Those who want to see the MBT truly succeed — both to alleviate the global landmine crisis and by its success to strengthen international law — created a system to work on the treaty between the annual meetings of states parties. This intersessional work, based in Geneva, focuses on key elements of the MBT and brings together governments and non-governmental organizations (NGOs) in regular meetings designed to keep attention on the Treaty and help ensure its full implementation and compliance.

While there has been tremendous progress, some would argue that too much emphasis has been put on the positive at the expense of a serious look at the continuing problems. One might argue that the recent conflict in Kosovo is a case in point. Some have asked what good the ban movement has done when as soon as there is a Kosovo-type situation, landmines are used in great numbers. Others have seen the use of cluster bombs — whose duds have a landmine-like effect — as egregious a problem as landmines and fault the ban movement for not being more proactive on such weapons.

My own perspective, and that of others with whom I spoke during a trip to Kosovo in the last days of June, is somewhat different. Without question, it is terrible that mines were used in the conflict. Without question, dud cluster bombs are posing a significant threat to civilians and mine clearance operations alike. But had it not been for this movement, no one would even be thinking about the problem.

There was almost no news story about the Kosovo conflict and its aftermath that did not either lead with the issue of landmines or give significant coverage to it somewhere in the piece. That coverage has also helped to raise awareness around the world to a problem long recognized in the ban movement itself — the similar impact of dud cluster bombs. That has already led to governments beginning to realize that they must deal with this problem — if only to try to avoid the banning of more weapons in the future.

On the ground in Kosovo and in countries hosting refugees, the level of awareness of the landmine threat in the Kosovar population was dramatic — and the direct result of the work of the ICBL in bringing this issue to those humanitarian organizations that deal with such populations and who have incorporated mine awareness into their programmes. The rapid response of mine action organizations to the emergency needs of Kosovo before the often early and always severe winter sets in is another testament to the impact of the landmine movement.

Yes, the ban movement still faces significant obstacles — Kosovo is an example. But it is also a challenge to the ongoing commitment of the ICBL and the ban movement overall that the work must continue until all countries in the world are party to the Mine Ban Treaty. Had that been the case with Yugoslavia — had they signed and ratified the treaty and destroyed their landmines — Kosovo would be facing one less obstacle to returning to full peace.

The ICBL has reaffirmed its commitment to the total elimination of landmines — and to sustained resources for mine action and victim assistance. Just as the Landmine Campaign has challenged the governments of the world to get rid of this indiscriminate killer, it has challenged itself to redouble its efforts and help achieve near-universalization of the Mine Ban Treaty by the time of its first review conference in 2004.

Would it not be a tremendous achievement indeed if the weapon has been eliminated from the world's arsenals and the world was well on the way to cleaning up the mess and aiding the victims by that time? Then we could all — governments and NGOs alike — turn our attention to helping solve some of the other problems that face war-torn societies. Working together in the continued partnership of governments and civil society, that goal is not beyond our grasp.

Jody Williams

ICBL Ambassador

1997 Nobel Peace Prize Co-Laureate

Landmine Survivors Speak Out

Jerry WHITE

In 1984, I was camping with two American friends in the Galilee and Golan, in Northern Israel. The April morning was beautiful. We packed our gear and began hiking across bucolic countryside, eventually to reach a road and hitch a ride to Jerusalem. Coming down a rocky hillside, I stepped out and my right foot detonated an anti-personnel landmine. I looked down and saw blood pouring from my calf and leg. I began screaming, "My foot is gone! My foot is gone!"

My friends, Fritz and David, stayed with me. It took over an hour for them to carry me out of the minefield, slow step after slow step. We tried to only walk on piles of rock. Twice they dropped me, only to pick me up and keep going. Landmines could be anywhere. A nearby kibbutz heard the explosion and called for an ambulance. When we finally reached the road, emergency medical care was waiting.

I may be the luckiest landmine survivor in the world. People were with me, people on the kibbutz helped, and I had great medical care. My family back in Massachusetts had the financial and emotional resources to provide what I needed to survive and thrive. I have the best prosthesis made. I live in a country where the rights of the disabled are respected. I have a Brown University education, have never had trouble finding a job, have a wonderful wife and four children. I am alive and well.

Unfortunately, my story is very atypical. Generally, when someone steps on one of the estimated 80 million landmines embedded around the world, there are few resources available. Each year, landmines kill or maim over 26,000 men, women and children. Most mine victims die. Many lose legs, arms and eyes, and struggle to maintain their dignity and self respect. Less than 10% have access to proper medical care and rehabilitation.

That is going to change. But it will take effort and cooperation from the entire international community, including the voices of landmine survivors, to effect that change.

In 1995, I founded Landmine Survivors Network (LSN) with Ken Rutherford, another American survivor. LSN is the only international organization created by landmine survivors for landmine survivors. LSN links victims in mine-affected countries to a range of rehabilitation services. It provides peer counselling and direct assistance. LSN also promotes social and economic reintegration. We are now working in five mine-affected countries — Bosnia, Jordan, Eritrea, Ethiopia and Mozambique — with future plans to expand to Latin America, Northern Africa and possibly Asia.

Today, there are over 300,000 survivors worldwide, and the numbers grow each day, with a new tragedy every twenty-two minutes. The next victim could be an elderly refugee returning to

Jerry White is Co-Founder and Executive Director of the Landmine Survivors Network.

Kosovo, a Lebanese toddler, a Cambodian farmer, a European tourist in Egypt, a peace-keeper in Bosnia, an Angolan mother, or a relief worker delivering supplies to Ethiopian villages. Landmines

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do not care whom they devastate. Or if there are any resources — medical, financial, psychological — to support recovery from such devastation.

In poor, mine-affected countries, it costs about \$9,820 to underwrite the recovery cycle — emergency medical care, prosthesis and rehabilitation, peer support and trauma recovery, economic relief to families, job re-training, and social reintegration, including sports or recreation opportunities. How can each survivor afford to pay for rehabilitation? And should they be held responsible for the crushing costs of a weapon — cruel military litter — left behind by soldiers after the fighting ends? Most survivors, injured through no fault of their own, are waking up to demand compensation.

Survivors — Not Just Victims or Statistics

Being a survivor is a lonely business. Though there are hundreds of thousands of us worldwide, it is not a community — suffering is not shared, nor are resources pooled. Indeed, it is easy to forget that there is a face and a name behind each landmine casualty. Entire families are being blown apart each hour, in virtual isolation. Also less well understood is the personal horror that each victim experiences in the moments after an explosion. Landmines tear off limbs and shoot shrapnel and dirt into the body. Even one's own bones become projectiles. If the eyes are not blinded during an explosion, a victim can see his own body torn, mangled and bleeding. Most victims who die from the blast die alone. The challenge LSN took on was to unite the survivors; not to bask in their suffering, but to reveal their strength and share their testimonies about what these inhumane weapons had done to them.

The voices of landmine survivors were first heard at the international level at the Vienna Conference of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons (CCW) in September 1995. In an unusual development, representatives of non-governmental organizations (NGOs) working directly with landmines and landmine victims were invited to speak to the delegate assembly. It was not just another diplomatic discussion with government officials stating the same old stale points of view. Instead, people who were experiencing the tragedy firsthand were setting the tone of the discussions. During their speeches, landmine injured from Afghanistan, Cambodia and the United States provided powerful evidence for urging the ban on these weapons.

LSN Co-Founder Ken Rutherford testified to the horror of a landmine explosion that nearly took his life in Somalia: "In December of 1993, I was working in Somalia with the International Rescue Committee. I was inspecting a programme site near the border with Ethiopia, when my car hit a landmine. After the explosion, I saw my foot lying on the floorboard of the car. I thought, 'Is it mine?' I kept trying to put it back on. I dragged myself out of the car and called for help on my radio. I am here today because of the resources I had at my disposal. I had a radio, aeroplanes evacuated me to a hospital, and I returned to the United States to receive, currently, over \$300,000 in medical care. Needless to say, most mine victims are not so lucky."

I also was invited to the podium to put an American face on the issue: "I was only four years old when Syrian soldiers, retreating during the 1967 Arab-Israeli War, laid Soviet-supplied mines in the Golan Heights. My mine waited silently in the ground for seventeen years before it exploded

under my right foot while I was hiking in an unmarked mine field. I wasn't a soldier. I was a student taking a break from studies to explore the Middle East. There were no fences and no signs to keep me out. I was lucky I had friends with me and a farmer nearby who heard the blast. All the talk about fencing and marking minefields is a distraction from the real problem: how to stop the proliferation of landmines. Even in a small, security-conscious state like Israel, fences break down, signs fade, fall or are stolen, and mines shift."

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One by one, the survivors spoke out. Abdul Rahman Sahak from Afghanistan pointed out that only landmine survivors could fully understand his pain and anguish: "Can you think for a moment what a human being would suffer in this situation? Imagine the extent of the injuries and pain while struggling between life and death with blood all around — I would like to join the voices of my disabled brothers and sisters ... to call for a total ban on production of all types of mines."

While most diplomats and other conference attendees were respectful, there was a sense that no one quite knew what to do about the needs of the survivors. Ken Rutherford and I believed the time had come to turn up the volume and ensure survivors played a central role in the ban process. We pushed to ensure more representation for survivors both within the International Campaign to Ban Landmines (ICBL) and at international conferences. If this debate was about landmines, then who was more suited than survivors to provide evidence of the indiscriminate nature of the weapon?

Geneva CCW Conference

In early 1996 at the CCW follow-up conference in Geneva, the issue causing the most disappointment was that the needs of the victims, mostly civilians injured through no fault of their own, were not being discussed. Our landmine-disabled friends had travelled a great distance to Geneva, only to discover apathy for their needs. Did no one really care, or had the needs of survivors not been properly communicated? One of the slogans of the international campaign had been "to speak for those who cannot speak for themselves." But now it was time for landmine survivors to start speaking on their own behalf.

Right there in Switzerland, we decided to create a new organization, the Landmine Survivors Network (LSN), to become the leading global advocate for those disabled by mines, and to offer practical assistance to one of the most vulnerable populations in the world. It was a radical concept in some ways: a new NGO staffed by landmine survivors to empower and offer peer support to other survivors. Ken and I recognized that in the fellowship of suffering that survivors share, there is also empowerment and strong motivation to do whatever it takes to end the suffering. A strong bond began to form among mine victims, along with a strong desire to work together toward a global ban and to find help for the wounded.

Together, the survivors decided to make their voices heard. First, Ken and Tun Channereth, a Cambodian landmine survivor, introduced the "Wall of Remembrance", a photographic collection of mine victims in Battambang Province, Cambodia. The victims were injured between the closing of the Vienna CCW conference in October 1995 and the opening of the Geneva CCW conference in April 1996. During this time period there were more than 230 mine accidents in a province of less than 250,000 Cambodians. Behind the "Wall of Remembrance" display, the ICBL had set up an electronic counter that clicked every twenty-two minutes to signal another mine victim injured somewhere in the world. Like the "Wall of Remembrance" display, the scoreboard only counted victims since the end of the CCW landmine conference in Vienna. By the end of the Geneva conference the haunting clicker had registered nearly 15,000 new victims.

The second way that landmine survivors amplified the volume of their voices at the Geneva CCW was at a press conference organized by a team of budding LSN “associates” working under the ICBL umbrella. In the main lobby of the United Nations, survivors read a statement, “We Are Outraged!” Survivors from Cambodia, Afghanistan, Mozambique, England, Bosnia and the United States voiced their anger and frustration with the world’s diplomats and politicians. One by one, the survivors removed their prosthetic limbs, describing their personal encounters with mines and calling on the world’s diplomats to ban these weapons. In their statement, the mine-injured asked, “Why do you covet weapons that primarily kill civilians and do not discriminate between soldiers, women and children? Most of the delegates here have never seen a minefield or experienced firsthand the horror caused by landmines. One short visit to a mine-infected country would do wonders to cure the indifference of the world’s politicians and diplomats.”

In Geneva, landmine survivors met in small groups and targeted their message one-by-one to intransigent government delegations. But, in the end, we had to condemn the CCW’s agreement to continue the use of mines and legitimize the production of new types of mines.

Defining Victim Assistance

The question of victim assistance is a difficult one — what is it exactly? What kind of structure is needed to coordinate such assistance? Which categories of humanitarian relief should be included? LSN began to define survivor assistance to include the “care and rehabilitation provided for the immediate and long-term needs of mine victims, their family members and/or dependants, and mine-affected communities. Victim Assistance includes, but is not limited to, emergency and medical care; access to prosthetics, wheelchairs and other assistive devices; social and economical

Victim Assistance includes, but is not limited to, emergency and medical care; access to prosthetics, wheelchairs and other assistive devices; social and economical reintegration; psychological and peer support; accident prevention programmes; and legal and advisory services.

reintegration; psychological and peer support; accident prevention programmes; and legal and advisory services.” The definition of victim assistance was derived from discussions with other NGOs active in the ICBL as well as from informal discussions with government and United Nations representatives.

Looking into the needs of the victims, especially in developing countries, LSN was nearly overwhelmed by the desperation of thousands of survivors with no access to affordable care. Aside from the emergency and acute medical care that is needed immediately following a mine blast, there is the production of and training in assistive devices, including prosthetics, wheelchairs, crutches and specially designed transportation. There is also a need for psychosocial support programmes, data collection of mine-affected populations, mine awareness programmes, social re-integration, employment opportunities and legal services. In many cases, even basic food and clothing are needed for survival. It was obvious that, to offer this range of services, landmine survivors would need to enlist the help of all governments and NGOs pushing for a ban treaty.

Today, there is an enormous gap between the rehabilitative care available in affluent countries and what most mine victims receive in developing countries recovering from years of war. For example, my own rehabilitation has cost over \$400,000 over fifteen years. Ken Rutherford’s has cost over \$400,000 in only five years.

In late 1995, mine victim assistance was on no one’s political agenda. On the surface, at least, it seemed logical that the wealthier states would resist the inclusion of landmine victim assistance

into the treaty, as many of them do not have landmine disabled populations. Any mine victim assistance provided by these states would then go to foreign populations. And poorer countries, those most affected by landmines, have limited economic means. Therefore, victim assistance seemed a no-win situation for garnering political support.

Meanwhile, the international community was still talking about legitimizing new types of landmines. A unilateral ban did not yet seem feasible. It was felt by some in the campaign that muddying the waters with victim assistance clauses would only keep governments from committing to a ban of any sort. Landmine victims respectfully disagreed.

As the debate continued over the next few months, much was made of “the poor victims”. One of the biggest challenges facing landmine survivors was convincing others that they were more than just poster children. As amputees, they had to remind the world that although landmines had blown off their limbs, and left them irreparably scarred, their minds, their dreams, their humanity were still intact.

LSN decided to take our concerns regarding the need for victim assistance directly to the policy-makers. Choosing at times to side-step the protocol of the ICBL and the Ottawa Process, LSN set up meetings with the United Nations Department of Humanitarian Affairs, the United States National Security Council, the Pentagon, and various offices at the United States Agency for International Development. We hammered away at the same message: victim assistance had to be a part of any discussion involving landmine controls.

Writing to the President in 1996, Ken Rutherford, Marianne Holtz, an American nurse who lost both legs to a landmine in Zaire in 1995, and I asked President Clinton to remember that “Most mine victims are civilians, including women and children. Many have trouble supporting their families and many are ostracized and denied proper medical attention or rehabilitation.” President Clinton’s response communicated his desire to have a special exemption for anti-personnel mines in Korea, and that he had the Secretary of Defense looking into improving technology for demining. No mention was made about victim assistance.

Ottawa Conference Calls for a Treaty to Ban Landmines

At the first Ottawa Conference calling for a global ban on landmines by December 1997, Landmine Survivors Network called for an integrated approach to mine action, including a ban, accelerated mine clearance and increased assistance for survivors. At first, the call for the ban was causing the biggest stir. The CCW was still calling for legalizing some mines, and for increasing the metallic content of older mines to help make them easier to detect. The ICBL and its members, including LSN, were calling for nothing less than a unilateral ban.

And although the conference seemed lukewarm to victim assistance, these personal testimonies began to have an impact. Speaking on the final day of the conference, I gave a statement that was intended as a wake-up call to do something more for the victims.

“Despite all the talk about the human suffering of mine victims, it seems we still have trouble putting our money where our mouth is. What is really being done to help these victims? Very little, I’m afraid. I do not doubt that every person in this audience is horrified and personally moved by the stories of landmine victims — you’d need a heart of stone not to be. I am also convinced that individuals, NGOs and governments all want to help. But why is it that victim assistance has not moved beyond the rhetorical level? Survivors tend to be awfully strong and motivated people. They want a chance to be productive again, not to be marginalized or to become dependent on charity.

By offering rehabilitative services to landmine survivors, we can help build a powerful constituency of individuals committed to helping each other and to strengthening the campaign to ban landmines The good news is that the rehabilitation of tens of thousands of landmine survivors is within reach, just as a global ban is within reach.”

By the end of the Ottawa conference, victim assistance had received support as something that should be included in the treaty. Canada, Norway, Ireland and South Africa took on the issue with representatives who seemed very keen to advance the cause. Without their support, victim assistance might very well have stayed on the shelf. But now, there was hope.

Raising the Profile of Victim Assistance in the Campaign

Throughout 1997, the ICBL would put out periodic statements on the status of the campaign. These releases dealt with the platforms that were currently supported by the ICBL. We began to push for victim assistance to at least get mentioned, much less its own bullet, in these statements. Whenever we brought this to the attention of the ICBL leadership, the response was usually supportive. But there was no initiative by the ICBL as a campaign to push for landmine victim assistance. Instead it was mostly concerned with the ban, and gaining support for that. Some in the campaign leadership felt that LSN was being counter-productive to the goal of the campaign, which was, of course, a total ban on landmines.

LSN continued to assess what chance victim assistance had in the treaty. It didn't look great. The wealthier countries, including Japan and the United States didn't want to put their money in the "tin cup" of poorer countries. There was reluctance to take on the issue of providing for victims of war because it would then be a precedent in international law, and most wealthy countries were reluctant to take on that kind of responsibility for the effects that many of their landmines had caused in developing countries. We had to turn international law to our advantage.

LSN hired the international law firm of Arnold & Porter, who agreed to work *pro bono*, to draw up a memo regarding mine victim assistance proposals that could legally be included in the treaty. This was not well received within the campaign. LSN was seen as pursuing its own agenda, rather than that of the campaign. Throughout the summer, Arnold & Porter's attorneys, especially Anthony O'Donnell, worked to find a way to legally include victim assistance in the treaty to ban mines.

LSN Enlists the Help of Diana, Princess of Wales

Perhaps what caused the greatest public awareness of the need for mine victim assistance was the interest taken by the late Princess of Wales. In January 1997, Diana visited Angola as a guest of the British Red Cross and the Halo Trust, a British NGO working to clear landmines. The images of her walking through minefields and meeting with landmine disabled were beamed around the world. During her visit, she called on her own country to ban landmines. At the time, the British position was similar to that of the United States, in supporting the continued use of landmines. But her remarks produced a telling conflict with some decision-makers in the government, since her position in favour of a total ban on landmines deviated from the official policy. The effects of her visit created more publicity about the British policy toward landmines, and put pictures of the devastation into people's living rooms across the globe.

In June of 1997, LSN and the Mines Awareness Group (MAG), a demining organization, co-hosted a conference in London, "Responding to Landmines". It was to address the practical needs of those working in the field, including demining and victim assistance. It was at this conference that Princess Diana had decided to give her first major landmine speech, reflecting on her Angola experience. She shared how deeply she had been affected by her meeting Angolan survivors, particularly the children.

With the Princess's involvement, the media took notice. Landmines and the devastation they caused were now in the headlines. Diana knew that was her contribution to the cause. She realized better than anyone that the media would closely follow any statement she made or action she took. Early in the summer of 1997, it seemed mine survivors had gained a lifelong ally to help alleviate their suffering.

Brussels Conference

In June 1997, there was a conference in Brussels, Belgium to review an early draft of the Mine Ban Treaty. It was time to line up who would support which issues for inclusion in the final treaty. LSN and other victim assistance NGOs were shocked to discover that there was not one word on victim assistance in the first draft of the treaty.

A serious push was needed to lobby the government delegates. Time was getting short, and so many disabled people were counting on LSN to remember their plight. I was asked to speak in front of the plenary session, but I decided that, instead of one person speaking, all twelve survivors present at the conference should prepare a statement of a few minutes. That way, each of us would have a chance to communicate personally and directly with the delegates. The message was for all parties gathered to re-read the treaty from a survivor's point of view. The final treaty will no doubt impact our communities and our lives, and yet there was not a single word about our problems. The emotional appeal from survivors jump-started a new dialogue regarding the inclusion of victim assistance language in the Ban Treaty.

Diana's Last Humanitarian Mission: Bosnia

In July 1997, Ken Rutherford and I were invited to Kensington Palace to brief Princess Diana on LSN's mission to survey the rehabilitative needs of Bosnia's landmine disabled. Diana immediately latched onto the idea of "survivors helping survivors" and wanted to join us in Bosnia. In one afternoon in Diana's living room, we planned her three-day trip to Bosnia. Her interest was in meeting privately with the survivors and their families. She did not want to discuss policy or meet mayors, she wanted to be in direct contact with those who had suffered. Her impact on the survivors was something spectacular to behold. She listened attentively to their stories, held their hands and stroked their scarred limbs. She resolved to do more for them in the future. It was to be her last public act of charity. On 31 August, Diana lost her life in a car accident in Paris. The world lost a lovely, glamorous woman, but mine survivors lost a true friend.

Oslo Treaty-Drafting Conference, September 1997

It was several days after Princess Diana's death when the Conference commenced in Oslo, Norway to begin drafting the final Mine Ban Treaty for signing in December. Ambassador Jakob Selebi from South Africa became a strong ally to including victim assistance on the agenda, and was president of the core group negotiating the treaty. The International Committee of the Red Cross (ICRC) was also very supportive of including mine victim assistance in the treaty.

By now, Arnold & Porter had finished their memo. Our position was that victim assistance could legally be incorporated into an international treaty. Even though the draft treaty did not impose upon states direct obligations to civilians, it did require states to ban and destroy landmines because they were generally recognized as extremely dangerous to civilians. The inclusion of mine victim assistance language "would require states to accept certain affirmative duties toward individuals". LSN countered accusations that such "language is beyond the scope of the Convention" with substantial arguments.

First, since the primary purpose of the treaty is to protect individuals from the type of excessive and unnecessary injury landmines inflict, the inclusion of language relating to victim assistance

Since the primary purpose of the treaty is to protect individuals from the type of excessive and unnecessary injury landmines inflict, the inclusion of language relating to victim assistance furthers the purpose of the treaty by protecting individuals from the long-term injuries that landmines cause.

further the purpose of the treaty by protecting individuals from the long-term injuries that landmines cause. Landmine victim assistance programmes are necessary to prevent mine victims' permanent inability to function, work or otherwise participate as productive members of society. Thus, the inclusion of mine victim assistance is necessary if the

Convention is going to provide a complete response by the international community to the dangers posed by landmines.

Second, the inclusion of mine victim assistance provisions within the Convention is consistent with international humanitarian law. The Geneva Conventions of 12 August 1949, and the 1977 Protocols Additional to the Geneva Conventions constitute the framework within which humanitarian law pertaining to the protection of civilians, combatants and prisoners of war has developed. Much like the Austrian draft's prohibition of a state's use of landmines, these instruments primarily restrict what states can do within the context of war. Yet, they also contain provisions requiring states to accept certain affirmative obligations toward individuals.

Third, many international instruments refer to assistance or compensation to victims as a humanitarian duty of states. More significantly, a strong argument can be made that states are legally obligated to assist or compensate mine victims. The use of mines violates two basic principles of international humanitarian law. Landmines scattered over large areas likely to be used by civilians during or after a conflict do not distinguish between military and civilian targets. This violates the principle of discrimination, which holds that weapons must be able to discriminate between civilian and military targets. Landmine injuries also inflict much more severe injuries than other conventional weapons and often result in excessive injury or suffering to civilians. This violates the principle that prohibits attacks that produce "unnecessary suffering or superfluous injury". Violations of humanitarian law trigger a duty to compensate or assist victims of those violations. Therefore, the unlawful use of landmines generates a legal obligation to assist mine victims.

Victim assistance made it into the treaty due to the efforts of many people. But full credit must be given to the landmine survivors around the world. In the keynote address at the opening plenary for the mine action forum at the Ottawa Conference, Canadian Minister of Foreign Affairs Lloyd

Axworthy stated that one of the lessons to be learned from the Ottawa Process was that international public opinion will not tolerate “weapons that cause massive civilian casualties”. Tragically, it was the large number of victims who spurred the ban to become a reality.

Officially, the Mine Ban Treaty is known as the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on their Destruction. It is the first international arms control agreement that addresses the humanitarian needs of the victims of that particular weapon system. On victim assistance it states:

Preamble: “Wishing to do their utmost in providing assistance for the care and rehabilitation, including the social and economic reintegration of mine victims.”

Article 6, Paragraph 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.”

Article 6, Paragraph 7: “State 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 assistance to ... mine victims.”

At the signing ceremony in Ottawa, there was a significant change in the role victim assistance played in the campaign. Now there were panels on “What is Victim Assistance?” and “Addressing Psycho-Social Reintegration for Mine Victims”. Mine disabled were now an integral and indispensable part of the discussion. LSN had won a battle, but the war wasn’t over. The question shifted to how to implement effective victim assistance.

ICBL Sets New Victim Assistance Goals

Since the Mine Ban Treaty opened for signature in 1997, LSN has been working with over twenty humanitarian and development NGOs interested in assisting mine victims. In February 1998, LSN proposed the creation of the first ICBL Working Group on Victim Assistance (WGVA), and was elected to chair the group by other ICBL members.

The overall purpose of WGVA is to increase the quantity, and improve the quality, appropriateness and effectiveness of all programmes that impact the victims of landmines. The five specific goals are:

- *To secure funding for victim assistance:* WGVA will press governments to commit three billion dollars over the next ten years to a broad range of long-term programmes that benefit mine victims and other persons with disabilities living in mine-infested communities;
- *To promote effective and appropriate programming:* We will press governments, other donors and programme implementers to support a wide range of activities and programmes, including emergency medical care, continuing medical care, physical rehabilitation, prosthetics and assistive device production, psychological and social support programmes, employment and economic reintegration programmes, data gathering, land tenure, legal services, vocational training and employment opportunities;

- *To share information on victim assistance:* We will develop procedures to ensure open and clear communication among all members and observers of WGVA. We will also collaborate with and serve as a resource to the ICBL, national campaigns and other groups on all matters related to victim assistance;
- *To promote inclusion of landmine survivors and landmine-infested communities* in all initiatives and activities which concern them. (This follows the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities. “Nothing about us, without us,” as the saying goes in the disability rights movement); and
- *To promote the rights of landmine survivors,* spurring discussion on definitions of mine victim and consideration of reparations.

Our work is cut out for us. To begin with, LSN has developed, with other members of the ICBL, a set of programmatic guidelines to define and promote effective assistance. The ICBL Guidelines for the Care and Rehabilitation of Survivors were developed to help diverse actors, including donors and programme implementers, develop and fund the most effective assistance programmes (see LSN website for full text).

WGVA has become a focal point for information-sharing and agenda-setting on this important aspect of the Mine Ban Treaty. It plays a central role in the intersessional work established at the First Meeting of States Parties in Maputo, in May 1999. There are five intersessional Standing Committees of Experts (SCEs) on: General Status and Operation of the Convention; Victim Assistance; Mine Clearance; Stockpile Destruction; and Technologies for Mine Action.

With the LSN as Chair, WGVA works in close concert with lead governments, including Switzerland, Nicaragua, Japan, Mexico and others, to ensure the victim assistance plank of the Mine Ban Treaty is implemented. This means a call to action for increased resources to the care, rehabilitation and socio-economic reintegration of mine victims. In September, the SCE on Victim Assistance met to plot steps forward, including the development of a portfolio of organizations, projects and activities needing support to offer effective relief to mine victims and their communities. In the coming months and years, LSN will continue to promote strong collaboration among governments and civil society to achieve the goals of the Working Group.

LSN Overseas Network Development

LSN amplifies the voice of survivors by organizing them to speak out and educate policy-makers about the mass suffering inflicted by landmines. This is done on an international level and a

In each country, LSN employs local landmine survivors and amputees as “outreach workers” trained to educate and help others who have experienced limb loss. LSN’s work is as simple and powerful as survivors helping survivors.

local level. Today, LSN is busy expanding its unique brand of community-based outreach work in five mine-affected communities. LSN has established offices in Bosnia, Jordan, Mozambique, Ethiopia and Eritrea. In each country, LSN employs local landmine survivors and amputees as “outreach workers” trained to educate and help others who have experienced limb loss. LSN’s work is as simple and powerful as survivors helping survivors. LSN trains survivors to conduct hospital and home visits, offering peer counselling, education and effective assistance to thousands who have experienced limb loss. In many communities LSN has become the survivors’ only link to peer support, rehabilitation services, and social and economic integration. LSN’s country networks are summarized here.

- Bosnia and Herzegovina: LSN headquarters in Bosnia is located in Tuzla. There are twelve people on the team (nine are landmine survivors). LSN has interviewed over 500 survivors, and followed up with peer counselling and direct assistance, including network referrals and transportation to rehabilitation clinics, food and clothing supply, home repair, prosthetic cost coverage, etc. In 1998, Bosnia held a National Conference with 100 participants (half were landmine survivors), and has recently published a national directory of rehabilitation services. LSN has also arranged for ongoing peer counselling training for amputees visiting hospitals and homes throughout country.
- Jordan: In July 1998, LSN hosted the "First Regional Meeting on Landmine Injuries and Rehabilitation in the Middle East". Her Majesty Queen Noor announced Jordan would sign and ratify the Mine Ban Treaty and pledged to continue her work to eradicate landmines as LSN's new Patron. Queen Noor has proposed the first international "Bill of Rights for Landmine Survivors" and has continued to raise awareness globally. In April, LSN completed registration as an international organization with the Ministry of Social Development in Amman. LSN recently completed a nation-wide survey of prosthetic and other rehabilitation-related services throughout Jordan, and a Jordanian project coordinator, a local director and outreach workers have been hired.
- Mozambique: In early May, LSN completed registration as a NGO and hired a Mozambican survivor as local director, working alongside a LSN expatriate advisor (a Belgian physical therapist) in Zambezia Province to establish the first amputee support network in Africa. The Mozambique Network hosted the first training for all of LSN's overseas coordinators and directors in early May. LSN-Mozambique has completed the first draft of a National Rehabilitation Directory for use by outreach workers and health care givers throughout the country.
- Ethiopia: LSN has launched a partnership with a local NGO based in Addis Ababa to establish amputee support services. Two local advisers, a local director and a social worker have been hired, and registration of LSN will be completed by the end of 1999. LSN-Ethiopia will publish its National Rehabilitation Directory in 2000.
- Eritrea: LSN-Eritrea's Director, Abraham Gebreyesus, recipient of a Reebok Human Rights Award, received management and advocacy training at Columbia University in New York City. LSN helped facilitate eye examinations and provision of artificial eyes, and offered orientation and training in Maputo in early May. Abraham also participated in the LSN panel of survivors at the Hague Appeal for Peace in the Netherlands in May 1999.
- Educational Pamphlets: With support from United States Agency for International Development, LSN is developing a series of consumer education pamphlets to help amputees cope with all aspects of limb loss. Each pamphlet is easy to read and understand, and addresses such topics as wound care, phantom pain, prosthetics use, exercise and employment. During the coming months, LSN's educational material will be translated into Bosnian, Arabic, Portuguese and other languages for use by LSN outreach workers during hospital and home visits.

Conclusion

Landmine survivors worldwide are joining voices to speak out and reclaim their roles as contributing and productive members of their communities. LSN is working full-time on issues of concern to all mine victims and their families, and will continue to advocate that more be done to help hundreds of thousands of survivors.

When the Mine Ban Treaty was signed in December 1997, it included a clause to provide humanitarian assistance for the hundreds of thousands of men, women and children who have been maimed by landmines. It was an unprecedented achievement that came about through the efforts of many people. But, most importantly, landmine survivors themselves played a central role in ensuring that the people most wounded by these destructive devices would be included in any treaty to ban their use. It was the spotlighting of their personal, powerful testimonies that fuelled the Nobel Prize winning International Campaign to Ban Landmines.

Thanks to survivors, victim assistance is now an established pillar of the ICBL. It is now time to give the Mine Ban Treaty legs, hands and eyes — that is, concrete on-the-ground assistance that will make a noticeable difference in the lives of survivors and the communities where they live.

Thinking back to my own encounter with a landmine fifteen years ago, I know there will never be a way for me to really thank my friends, David Kenyon and Fritz Balwit, who carried me out of a minefield in Israel. They saved my life. The best I can do is to try to help other landmine survivors worldwide, and to urge others, including the United States, to become part of the solution and comply with the international Mine Ban Treaty. Together, we can eradicate this man-made epidemic and fulfil our dream to walk safely and honourably into the new century.

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Implementing Ottawa: Continuity and Change in the Roles of NGOs

David C. Atwood

On 1 March 1999 the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and their Destruction¹ entered into force, just fifteen months after 122 nations put their signatures to it in Ottawa in December 1997. This culminated the first phase of what has been a remarkable process — from an issue little recognized or understood in the early 1990s, to a full-fledged agreement among states in 1997 to eliminate a whole class of weapons, to entry into force and the First Meeting of States Parties to the Convention in 1999.

Although the debate continues over the degree of importance of non-governmental organizations (NGOs) in this achievement, that NGOs have been central actors, along with governments and international organizations, in the process — from awareness building about the anti-personnel mine (APM) crisis to the actual achievement of the global ban — seems beyond question. With entry into force of the Mine Ban Treaty (MBT), the true test of governments' political commitment to eliminating APMs and their effects has begun. In this critical implementation phase of the MBT, NGOs will continue to have important roles to play. This paper explores what these roles might be. How will the contribution of NGOs in this phase be similar to that which they have made thus far in this process? How might that contribution be different in this phase? What factors could influence the part that NGOs will play in the continuing effort necessary to achieve a mine-free world?²

The Elements of MBT Implementation

Now that the MBT exists and has entered into force, it becomes the chief instrument in the struggle to eliminate APMs worldwide and for overcoming the insidious effects that their proliferation has meant in many parts of the world. Hence, the successful implementation of the MBT's provisions are critical to the overall contribution which this instrument is going to be able to make towards these goals. Before assessing the roles of NGOs as partners in this implementation phase, it is perhaps useful to remind ourselves briefly of the major intentions and elements of this new Convention because they provide the framework for the tasks ahead.

The MBT aims at nothing less than the elimination of the APM as a weapon of war and terror. Under the "general obligations" outlined in Article 1 of the Convention, each state party undertakes "never under any circumstances: a) to use anti-personnel mines; b) to develop, produce, otherwise

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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 ... under this Convention" (Art. 1, para. 1). As has been pointed out by the International Committee of the Red Cross (ICRC), "In ratifying the Ottawa treaty, a country accepts that mines are no longer legitimate weapons to be used either in peacetime or in time of war. There are no exceptions to this rule."³

The Preamble to the Convention also takes note of the states parties' determination "... to work strenuously towards the promotion of its universalization ... " and bases the Convention firmly within the principles of international humanitarian law, including "... that the right of the parties to an armed conflict to choose methods or means of warfare is not unlimited." Although there are the expected provisions for national withdrawal from the Convention, Article 20 places severe limits on this. Language has also been included that makes explicit that any withdrawal does not "in any way affect the duty of States to continue fulfilling the obligations assumed under any relevant rules of international law". Article 20 also makes the Convention of unlimited duration. States joining the Convention must join unconditionally; Article 19 permits no reservations.

Each state party to the MBT is obliged to destroy its stocks of APMs within four years of entry into force of the Convention for the state party (Art. 4), with the exception of the possibility to retain a number of APMs "not to exceed the minimum number absolutely necessary" for the purposes of "development of and training in mine detection, mine clearance, or mine detection techniques" (Art. 3, para. 1). The only other exception in the Convention permits the transfer of APMs for the purpose of their destruction (Art. 3, para. 2). The Convention also obliges each state party "to destroy or ensure the destruction of all anti-personnel mines in mined areas under its jurisdiction or control" no later than ten years after entry into force of the Convention (Art. 5, para. 1).

Articles 7–13 of the Convention provide a variety of mechanisms aimed at promoting compliance, including transparency measures, facilitation and clarification of compliance procedures, dispute settlement processes, and mechanisms for meetings of the states parties and for review and amendment

Instead of intrusive verification procedures, the Convention relies heavily on the stigmatization of APMs and on mechanisms that are intended to encourage cooperation.

of the Convention. Instead of intrusive verification procedures, the Convention relies heavily on the stigmatization of APMs and on mechanisms that are intended to encourage cooperation. Article 9 obliges each state party "to take all appropriate legal, administrative and other measures, including 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."

Finally, the Convention explicitly recognizes that the landmine problem will not cease with the implementation of its prohibitions on the production, stockpiling, transfer and use of APMs. Article 6 outlines the necessary commitment and the required assistance for effective mine clearance, mine awareness, care and rehabilitation of mine victims and their social and economic reintegration.

The International Campaign to Ban Landmines as a Key NGO Actor

These elements frame the commitments to effective mine action to which some 135 states had signed up or adhered and which had entered into force for eighty-six nations through their national ratification processes by mid-September 1999. NGOs were instrumental in helping to shape these required mine action elements. The Convention recognizes this contribution in following passage in the Preamble: "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 (ICBL) and numerous other non-governmental organizations around the world". NGOs will also play important roles in seeing that these international obligations are fulfilled. Unusually for an international convention, the MBT also takes note of the important partnership role to be played by NGOs in implementation — alongside governments, the United Nations system, international and regional organizations, and the Red Cross and Red Crescent Movement. The reference to this in the Convention relates to the role of NGOs in programmes for the care and rehabilitation of mine victims and their social and economic reintegration, mine awareness programmes, and programmes for mine clearance and related activities (Art. 6, paras. 2, 3 and 7).

Central to the catalytic role that NGOs played in the international movement for a global ban has been the ICBL. Although a full analysis of the evolution of the ICBL and the role it has played to date is not the focus of this essay, a number of factors about the ICBL should be noted. Local, national and international NGOs, both those within the ICBL and those that are not formally a part of the Campaign, will be actors in the effort to successfully implement the MBT. But the ICBL, as an actor in its own right, will continue for the foreseeable future to represent for publics, governments and international organizations alike the face of civil society in the landmines struggle. To the extent that the factors outlined here continue to have validity, they will have an impact, either positive or negative, on the overall part that NGOs will play in this implementation phase.

The ICBL, as an actor in its own right, will continue for the foreseeable future to represent for publics, governments and international organizations alike the face of civil society in the landmines struggle.

First, crucial to the influence of the ICBL has been the expertise and the experience with landmines and their effects of some of its key members organizations. In civilian mine clearance and victim assistance concerns, NGOs are often *the* experts, based on years of field experience. This has given credibility and moral weight to the voice of the Campaign in the eyes of the public and *vis-à-vis* governments. Second, from its initial six organizations, the ICBL has grown into an international coalition of over 1,000 human rights, humanitarian, peace, disability, medical, de-mining, arms control, religious, environmental, development and women's groups in over seventy-five countries. The ICBL's effectiveness has been based in its ability to build on the wide range of contributions possible from this diverse membership and, in doing so, to be creative and innovative in both its message and action. Third, despite its diversity and the relatively decentralized and limited nature of the Campaign structure as a whole, there has been an ability to remain focused and to offer a generally united front on landmine-related issues. Additionally, there has by and large been a willingness within this broad coalition to accord its international leadership the right to speak on behalf of the Campaign as a whole. This was very important in creating the strong presence of the ICBL at international conferences and meetings and as a negotiating party to be reckoned with. Hence, the ICBL was perceived to speak to a large extent with one voice. Government interlocutors knew who they were talking to and what they were dealing with. This was pivotal in their allowing NGOs into the informal and formal political processes that led to the completion of the MBT. In fact, despite the large number of member organizations and the slice of international public opinion that the ICBL has come to represent, the number of people acting at the international level in the name of ICBL has been quite small. This facilitated the unique forms of collaboration between key governments and the ICBL at critical phases in the evolution of the MBT.

Finally, the ICBL to date has largely succeeded in acting both as "prophet" and "pragmatist" in the landmines struggle. Both the ICBL and the ICRC have sought in their various activities to keep the landmine victim as the focal point of the political deliberations. They thus became the consciences of the Convention in the making, testing each proposal against its likely impact on reducing civilian casualties. This helped to strengthen the hand of governments under heavy pressure to weaken the

Convention. This same vision has meant that, even as it supports the full implementation of the MBT, there are elements of the Convention with which the ICBL is not satisfied and on which it continues to speak. As “prophet”, therefore, the ICBL managed to maintain the important independent advocacy role that NGOs must play in social change. Nevertheless, the political sense of the ICBL leadership was also astute enough to be able to measure where compromise would be necessary in order to achieve the important norm that a ban treaty would establish. As “pragmatist”, for example, the ICBL gave way on such issues as the question of the non-inclusion in the Convention of anti-handling devices fitted on anti-tank mines, and to weaker provisions for treaty verification and compliance than it would have preferred, in order to achieve the widest possible number of countries willing to join the MBT from the outset.⁴ Although there are some within the Campaign who have argued that the ICBL sold out in doing this, the achievement of the MBT would probably not have been possible without this pragmatism.

NGO Roles in the Implementation of the MBT

UNIVERSALIZING THE CONVENTION

One of the continuing criticisms of the MBT is that a large number of states have not yet signed up to the Convention and are unlikely to do so in the near future, including major countries like the United States, the Russian Federation, China, India and Pakistan. Countries in the Middle East, for example, remain for the most part outside the MBT. Some argue the Convention will be a weak instrument as long as major states and such numbers of states remain outside.

Clearly, the larger the number of countries joining the MBT and adhering to its provisions, the more quickly the principles enshrined in it will move into being considered customary international law, and effective action can be taken to clear mines and meet the needs of those victimized by mines. But the glass is more than half full. The already large number of signatory states to the MBT and also the large number of states that have ratified have been noted above. Not only has the MBT

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entered into force more quickly than any other major international convention, but also the force of this new international norm is already being felt in the actual behaviours of even non-member states. As the first annual report of the important NGO Landmine Monitor has pointed out, the larger recalcitrant states have indicated their general concurrence with the goal of the elimination of landmines, the actual incidence of new mines being laid appears to have dropped — as has the number of APM producer countries, and the export of mines has virtually stopped.⁵ While this is not reason for complacency, as Richard Price has pointed out in his important study, “... the measures taken even by many resistant states demonstrate that transnational civil society has precipitated a rapid and widespread acceptance of the legitimacy of a new norm.”⁶

In the months and years ahead, NGOs can be expected to continue working towards the universalization of the MBT. They will do this, as they have in the past, through such activities as meetings aimed at addressing the special concerns and needs of particular regions or countries; through supporting the development of new campaigns or the strengthening of existing campaigns in countries thus far outside the Convention; through regional seminars such as those sponsored by the ICRC designed to address issues concerning the military utility of APMs; and by activities aimed at

supporting the early ratification of the MBT by signatory states. NGOs can be expected to continue to support the evolution of *de facto* universal adherence to the MBT's principles by publicly condemning and stigmatizing any evidence of breach of the MBT by any actor, state or non-state, inside or outside the Convention.

The ICBL can be expected to resist any effort that it sees as weakening this global trend towards *de jure* and *de facto* universalization of the MBT. Hence, contrary to the arguments made by some significant states parties to the MBT that the negotiation of a ban on APM transfers in the Conference on Disarmament would be an important way to move currently reluctant states towards adherence to the total ban intentions of the MBT, the ICBL opposes this move. As it has noted, "Governments, or non-state actors, cannot be expected to adopt the mindset that AP mines are unacceptable if there is a menu of options to choose from ...".⁷

ENSURING COMPLIANCE

Of central importance to the impact of the MBT will be how fully states parties and non-states parties alike actually adhere to the norm banning the use, development, production, stockpiling and transfer of APMs. A measure of this will be how quickly and how well states move to actually implement the steps required of them by the Convention, such as the destruction of stockpiles and the clearance of mined areas, the submission of required transparency reporting, and the passage of national implementation measures. The humanitarian impact of the MBT will be also judged by how well states parties meet their commitments under Article 6 to provide assistance to needy states parties and to meet their own compliance obligations, as well as their commitment to mine clearance, mine awareness and victim assistance programmes. The MBT's measures for transparency (Art. 7), facilitation and clarification of compliance (Art. 8), and settlement of dispute (Art. 10), regular meeting (Art. 11) and review conference (Art. 12) are all designed to encourage compliance. But because of the nature of landmines, highly intrusive verification procedures were considered by the drafters of the MBT to be impractical, too costly, and probably not politically acceptable. Hence, the modest compliance mechanisms of the Convention, emphasizing transparency and confidence building, rather than more intrusive mechanisms, represent a potential limitation of the MBT. (See the article by T. Findlay on verification in this issue.)

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"Civil society" will therefore have an important role to play in assisting in the monitoring and public reporting of states parties' actual compliance to the Convention's provisions, despite the fact that NGOs have not been given any formal role in triggering the "request for clarification" provisions of the Convention. We have already taken note of this independent role of NGOs in the strengthening of the international landmine ban norm. "Whistle blowing" and compliance performance measures will therefore be important contributions of NGOs to ensuring state compliance with the intentions of the MBT. It is to this end that the Landmine Monitor Project of the ICBL takes on special importance. Landmine Monitor's annual reports will provide, for example, information on every country in the world on such things as levels of compliance with the ban norm on landmine use, development, production, transfer and stockpiling; degree of stockpile destruction; whether a state party has passed the national implementing legislation required by the Convention and an assessment of that legislation; levels of funding for humanitarian mine action; measures of humanitarian mine action and survivor assistance needs; and assessments of programmes undertaken. As Vines and Thompson have noted, "The establishment of a civil society-based monitoring network for an international agreement is

unprecedented. While NGOs and research institutes have for years monitored compliance with treaties, individually and informally, this is the first attempt to create a systematic, global, NGO monitoring network.”⁸ The first *Landmine Monitor Report*, all 1,100 pages of it, was presented to delegates at the First Meeting of States Parties in Maputo in May as an “early warning” of what can be expected from NGOs in this monitoring role in the years ahead.

PROMOTING STANDARDS AND LEVELS OF SUPPORT FOR EFFECTIVE CLEARANCE,
MINE AWARENESS AND VICTIM ASSISTANCE PROGRAMMES

In terms of the expected impact of the Convention in overcoming the problems of APMs, of equal importance to the successful implementation of its ban provisions will be the effectiveness of programmes set in place to clear the millions of mines already laid, to protect civilian populations from existing mines and to deal with the needs of individuals and regions affected by the use of mines in war. The Convention is unique in the holistic and explicit way in which it takes into account the importance of such action linked to an arms ban itself.

It was primarily organizations with long experience in the humanitarian and mine clearance dimensions of mines work that launched the international effort to ban landmines. It is in the areas of mine clearance, mine awareness and victim assistance that NGOs are likely to find their greatest role in the implementation phase. As major implementers of such programmes themselves, NGOs will continue to be affected by the decisions regarding resource allocation by governments and international organizations. But it is exactly in these areas where NGOs are in a position to play important standard-setting and policy-shaping roles in their relationships and partnerships with governments and the mine-related bodies inside the United Nations system, and to influence the nature and levels of financing.

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It is still early in this aspect of the implementation of the MBT. There is much opportunity as well as some danger in the present moment. For example, at the signing conference in Ottawa in December 1997, some \$500 million was pledged by governments for mine-related work. The extent to which the nature of available resources and the competition for those resources — in a policy area which has currently a certain fashionable attraction — could

distort the nature of the work undertaken and in effect ignore or undermine the evolution and application of the broader principle objectives for mine action which are emerging is a matter of some concern. Guaranteeing the effective allocation of these resources and sustaining international commitment to providing them for as long as it takes to get the job done become particularly important challenges for the present moment.

Thus, the standard-setting role of NGOs assumes a special importance. For example, it is out of a concern over the misdirection of mine clearance resources that three of the key mine clearance NGOs — Handicap International, the Mines Advisory Group and Norwegian Peoples Aid — jointly formulated a set of humanitarian mine action principles to guide mine clearance decision-making (see article in Open Forum by Bill Howell). These include such things, for example, as “the need for objective analysis of the requirements of affected communities, and the structuring and conduct of operations to meet these requirements”; “the need to take account of cultural sensitivities”; “the need to avoid impractical, quick-fix solutions”; and “the commitment to the continued development of existing methods and to continued improvement of quality”.⁹ In a similar effort towards holistic

approaches to victim assistance programmes, the Working Group on Victim Assistance of the ICBL has recently prepared "Guidelines for the Care and Rehabilitation of Survivors".¹⁰ The monitoring of governmental and international organization programmes and allocation of resources, which NGOs can provide for example through the *Landmine Monitor Report*, will also be an important contribution of NGOs in the period ahead.

New opportunities for direct engagement and partnership by NGOs with official institutions are emerging, in part because of the persistence of NGOs themselves in encouraging this. For example, the insistence by experienced demining NGOs on the basic requirement for accurate data about the realities of the landmine pollution problem has resulted in an important partnership among NGOs, the United Nations Mine Action Service (UNMAS) and donors. As noted in a recent United Nations publication, "The Global Landmine Survey Initiative provides the latest illustration of how far the United Nations and NGOs have moved towards working closely together in a spirit of trust and mutual respect. In a unique cooperative effort, NGOs, UNMAS and key donors have established an institutional mechanism specifically designed to facilitate the coordination of resources and expertise required to implement Level One Surveys worldwide."¹¹ The ICBL is now included in the United Nations Steering Committee on Mine Action, which promotes coordination and integration of mine-related activities in the United Nations system. The Geneva International Centre for Humanitarian Demining, a newly founded body established as a Swiss initiative that will offer a broad range of services relevant to the mine action challenges ahead — including to the Convention's intersessional work programme, has recently added an Advisory Board made up of international humanitarian mine action experts from the NGO world.

New opportunities for direct engagement and partnership by NGOs with official institutions are emerging, in part because of the persistence of NGOs themselves in encouraging this.

It is important not to overestimate the degree of coordination and partnership among mine action actors at this point in time or to underestimate the difficult challenges that exist in doing this well. This is as true within the United Nations system itself and among NGOs as it is between NGOs and official institutions. The above examples are only illustrative of directions and possibilities for NGO contributions in the period ahead on the mine clearance, mine awareness and victim assistance imperatives that are before us. Perhaps one of the most important of these possibilities is the intersessional work programme established by the First Meeting of States Parties to the MBT, which we now turn to.

The Contribution of Maputo

The Ottawa Process broke new ground in the involvement of NGOs in an international arms-related negotiating process. The "Core Group" of governments that led this process actively and deliberately included the ICBL and the ICRC in the strategic steps it took leading up to the Oslo negotiations in September 1997. And at Oslo both the ICBL and the ICRC were involved as observer delegations. This vital partnership continued up to entry into force on 1 March 1999, and in the preparations for the First Meeting of States Parties in May 1999 in Maputo.

In Maputo, the perceived key role for NGOs in the successful implementation of the MBT was built into the very structure of the meeting. NGOs were encouraged to attend and were there in large numbers. Although a meeting of States Parties, it more than lived up to the intentions of Article 11, paragraph 4 of the MBT, which confirms that "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" The process of the meeting reflected what had been so essential in the movement towards the ban — the creative partnership among governments, international organizations and NGOs. In doing so, it modelled for the period ahead the continuing relevance of this "triad" of actors if the MBT is to be successfully implemented.

One of the important results of the First Meeting of States Parties was the reiteration of and recommitment to the principles and purposes of the MBT, voiced in the "Maputo Declaration". The very first paragraph of this Declaration affirms the perception of the essential triad of actors in the mines struggle: "We, the States Parties to the Convention ... together with signatory States, are gathered in Maputo, Mozambique, joined by international organizations and institutions and non-governmental organizations, to reaffirm our unwavering commitment to the total eradication of an insidious instrument of war and terror: anti-personnel mines."¹²

In concrete terms, the most significant result of the Maputo Conference was the creation of an intersessional work programme. To again quote the Declaration, "This will enable us to focus and advance our mine action efforts and to measure progress made in achieving our objectives. This work will be based on our tradition of inclusivity, partnership, dialogue, openness and practical cooperation. In this regard, we invite all interested governments, international organizations and institutions and non-governmental organizations to join us in this task."¹³ The mandate of the intersessional mechanism includes "Facilitating and supporting the effective functioning of the Convention as an instrument of Mine Action by maintaining practical work at a high level and with particular emphasis on international cooperation amongst governments, international organizations and non-governmental organizations."¹⁴

The creation of this intersessional mechanism is a clever and creative attempt to provide an additional means for holding states to their commitments under the MBT. Its origins lie in the Core Group of states similar to those that were so instrumental in the Ottawa Process. Government/NGO dialogue during the lead-up to Maputo also encouraged the sponsors of this idea.

The intersessional mechanism is made up of five Intersessional Standing Committees of Experts (ISCES) that cover the key themes of mine action: mine clearance; victim assistance, socio-economic re-integration and mine awareness; stockpile destruction; technologies for mine action; and general status and operation of the Convention. These ISCES will formally meet twice in the period leading up to the next Meeting of States Parties, with informal meetings a regular feature so far. As noted in the Declaration, "This intersessional work will, inter alia, assist us in developing, with the United Nations, a global picture of priorities consistent with the obligations and time-frames contained within the Convention, including with regard to international cooperation and assistance."¹⁵

This is a pioneering enterprise. What the intersessional process offers is the potential for strengthening the positive trilateral relationship among NGOs, governments and the United Nations system in mine action. Handled creatively by all parties, this positive feedback potential could provide considerable momentum to the strengthening of the global mine ban norm and to the development of principled mine action programmes. Because it is a new process, there is open space at the moment for NGOs to get involved at the ground level. Its emphasis on inclusivity offers NGOs a tremendous opportunity to help shape the agenda for international mine action and stimulate its pace. Its emphasis on openness gives national and local NGOs another means by which to hold their own governments accountable.

The ICBL has had Working Groups on Mine Action, Victim Assistance and the Treaty since February of 1998. These Working Groups overlap conveniently the subject areas of the ISCES. In order to effectively engage this intersessional process and maximize its input into it, the ICBL at its General Meeting in Maputo following the First Meeting of States Parties created a new staff position

to liaise with the ISCEs and created an Advisory Group made up of the chairs of these Working Groups, the staff person and a Geneva contact (as the ISCEs will meet in Geneva). It is hoped that this will prove an effective vehicle to enable ICBL member organizations and others to engage in the ISCE process directly. What this will mean for the ICBL is that, in order to do this effectively, it will not only have to be devoting an even greater effort to engagement with official international structures but it will also have to expand the number of individuals charged with doing this work. Part of the task will be alerting ICBL constituencies around the world as to the potential for reinforcing their own work that this vehicle offers and engaging their involvement in it.

Additional Challenges Ahead

A number of additional issues that will be factors in the ongoing contribution of NGOs in the struggle to eliminate landmines and overcome their effects should be briefly mentioned.

NO INTERNATIONAL TREATY SATISFIES EVERYONE

The MBT is no exception. It too is a product of compromise and it has its weaknesses. In the negotiations it proved possible to remove the word “primarily”, which had crept into Amended Protocol II of the Convention on Certain Conventional Weapons, from the definition of anti-personnel landmine, hence eliminating the possible ambiguity which that word introduced. However, ambiguity was then re-introduced into the definition by the addition of the sentence “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” (Art. 2, para. 1). This raises two possible problems.

First, the Convention does not define “vehicle”, opening up the possibility that mines designed for use against light-weight vehicles could behave very much like APMs and yet not be specifically prohibited under the Convention. Mines currently classified as APMs which have anti-vehicle capabilities could be reclassified as anti-vehicle mines and therefore be considered to fall outside the Convention’s prohibitions.

Second, although “anti-handling device” is defined in the Convention as 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” (Art. 2, para. 3, emphasis mine), it is argued by some that there is insufficient specificity in this definition to reduce fears that innocent civilians will continue to be affected adversely by the presence of such devices. Although ICBL observers in the Oslo negotiations felt that they had extracted a concession in the negotiations (to be included in the diplomatic record of the Oslo conference) implying a general agreement that any explosive device that acts like an APM is an APM and is therefore prohibited by the Convention, the decision to include definitions based on “design” rather than on “function” is seen by some critics as opening a worrying legal loophole.¹⁶

Now that the MBT has entered into force, it can be expected that these issues will now return to the fore in the advocacy work of the ICBL (as well as in the internal debates within the Campaign). It can be expected that NGOs will raise these issues in their campaigning activities generally and in the *Landmine Monitor Report*, as well as in the context of the ISCE on General Status and Operation

of the Convention, in the annual meetings of States Parties, and in the First Review Conference to be held in 2004.

The ICBL has expressed other concerns about ambiguities or lack of explicitness in the MBT, which could lead to breaches in the spirit if not the letter of the MBT. One such concern relates to the need for greater explicitness about which types of mines and anti-handling devices and which deployment methods are permissible and which are not, and the use with anti-vehicle mines of such things as tilt rods, tripwires, breakwires or sensitive magnetic influence fuses that can lead to an explosion by an individual's innocent act. The ICBL has also raised questions about the participation of states parties in joint military operations with a non-signatory party that continues to use APMs, about the storage and transit of APMs by non-signatory states on the territory of signatory states, and about the issue of the right to retain an unspecified number of APMs under Article 3 of the MBT for training purposes. It can be expected that the ICBL will press these issues home in the period ahead.¹⁷

UNEXPLODED ORDNANCE

An issue that was purposefully left out of the campaign has been the one of unexploded ordnance (UXO) caused by the use of cluster weapons. Although UXO behave similarly to APMs when stepped on and cause similar problems, the strategic decision to leave these out so far has been a correct one. However, as the use of cluster bombs in the recent war in Kosovo and the resultant UXO problem have demonstrated, this is an issue that will increasingly cry out for attention. Having been very much a single-issue campaign up until now, the ICBL will have to wrestle with how it will respond to a growing call for action on UXOs.

A STATE COMMITMENT

The MBT is a commitment by states. The nature of armed conflict in our world, however, increasingly involves what have come to be called "non-state actors". Such non-state groups also use APMs. As the Non-State Actors Working Group of the ICBL has pointed out in a recent report, "Armed conflicts in no less than thirty countries make it clear that an inter-state ban alone is insufficient to stop landmine production, trade, transfer, stockpiling and use."¹⁸ Considerable work has gone on already to broker agreements with non-state groups in conflict settings. For example, one reported agreement between government forces and a guerrilla group to end the use of landmines in the

While APMs continue to be used by armed non-state groups, the process of universalization of the mine ban will be slowed and the achievement of a mine-free world further delayed.

conflict is between the Government of Sudan and the Sudan People's Liberation Army, apparently made to the United Nations Secretary-General's Special Representative on Children and Armed Conflict in March of this year.¹⁹ While APMs continue to be used by armed non-state groups, the process of universalization of the mine ban will be slowed and the achievement of a mine-free world further delayed. As the MBT takes hold and its real benefits begin to be felt, attention by governments, international organizations and NGOs on this problem area can be expected to increase.²⁰

THE ORGANIZATION OF THE ICBL

The very nature of what is to be done in the implementation phase will require shifts in how the ICBL organizes itself and its work. A key motivating and unifying ideal of the first phase was the time-bound goal of achieving a MBT. Today there are multiple goals, most of which do not lend themselves to “fast track” solutions. The kind of international campaign strategies necessary for creating the ban treaty and getting it into force are rather different from what is required of the ICBL and NGOs in general in this phase. Different forms of collaboration and work appropriate to achieving these goals are likely to be seen as necessary, perhaps even outside the ICBL itself. For example, the Landmine Monitor project, although officially a project of the ICBL, is independently funded and its work is undertaken on behalf of the Campaign as a whole by five key organizations. We have already taken note of the new structure being put in place to organize the ICBL’s involvement in the intersessional work programme of the MBT. Other changes away from the informal, decentralized structure of the ICBL — so appropriate to the pre-Convention phase — may be required for the ICBL to have similar effectiveness in this phase. For some of what needs to be done, new partner organizations may need to be incorporated. For example, NGOs that have special skills in the area of conflict management and transformation may become very relevant to re-integration programmes in post-conflict peacebuilding work in mine-affected regions. One severe challenge for NGOs while there is still so much work to do is how to sustain the kind of commitment and enthusiasm that has characterized this global movement in the 1990s and, equally crucially, how to keep donors on board. Victory for phase one has been declared. We are only at the start of phase two. The skill that the ICBL demonstrated in the first phase in being creative and focused will be even more necessary in this phase.

THE ROOT CAUSES OF CONFLICT

From hindsight it is possible to see more clearly a contextual factor that played very little role in the pre-Convention period but which is likely to be of increasing importance if the Convention is truly to have the impact intended. The use and abuse of landmines emerges from a context only part of which has to do with the availability of this terror weapon. Of much greater importance are the root causes of conflict and war between peoples and states. Only when these are effectively addressed will it possible to end the use of this weapon. As Thomas Gebauer of Medico International, one of the founding organizations of the ICBL, has said: “The question of how to eliminate landmines is indeed a strategic question. In order to give an answer, we need to focus on the context of mines, on war and social injustice We are convinced that each and every mine has to be de-mined but at the same time we know that the mines will disappear only when the circumstances dominating the world are — after all — determined by social justice, when health, education, self-determination and liberty are more than only rhetorical phrases.”²¹ The true possibility of getting to zero landmines will demand increasing attention to this broader understanding by governments, international organizations and NGOs alike.

Conclusion

This essay has been but a speculative overview. Much has been dealt with far too briefly. One feature of the contribution of civil society that has been very cursorily covered here has been the role

of the ICRC, which has either been left out because attention has been focused on the ICBL or it has been lumped into the NGO category with only summary references. A proper study detailing the role of the ICRC in both phases needs to be done. What I hope I have demonstrated, however, is that the role of NGOs in this implementation phase of the MBT will be every bit as important to the eventual elimination of this terrible weapon and the overcoming of its insidious effects as was the case in the achievement of the MBT itself. In the end, of course, the only true measure of the MBT's success will be the minimalization of mine-use incidents, substantial reductions in the numbers of new mine victims, significant growth in the number of mine survivors assisted, and mine-affected communities and areas successfully restored to social and economic health. The challenges are many, but so are the opportunities. And the prize — a mine-free world — is now so much more closely in sight and deserving of the struggle.

Notes

- ¹ A number of names have come to be used for this Convention, including "Ottawa Convention" and "Mine Ban Treaty". In this essay, the term "Mine Ban Treaty" or simply "the Convention" will be used.
- ² Although they remain extremely interesting and important areas for analysis, broader questions such as whether the part played by NGOs in the landmine effort to date has redefined or reinforced the role of the state in security policy development, the degree to which the landmines experience has changed fundamentally the nature of government/NGO cooperation in international security policy debate and decision-making, and the applicability of the "Ottawa Process" experience to other weapons systems, are simply beyond the scope of this short essay. The reader's attention is therefore drawn to some of the important emerging literature that takes up such issues. The largest collection of both descriptive and analytical pieces so far is Maxwell A. Cameron, Robert Lawson and Brian W. Tomlin, eds., *To Walk Without Fear: The Global Movement to Ban Landmines*, Oxford University Press, 1998. For other examinations of the contribution of NGOs to the achievement of the MBT, see Nicola Short, "The Role of NGOs in the Ottawa Process to Ban Landmines", to be published in 1999 in *International Negotiation*; Richard Price, "Reversing the Gun Sights: Transnational Civil Society Targets Landmines", *International Organization*, vol. 52 (Summer 1998), p. 613–44; David C. Atwood, "Banning Landmines: Observations on the Role of Civil Society", published as "Die internationale Kampagne zur Ächtung von Landminen — Überlegungen zur Rolle der Zivilgesellschaft", in Christine M. Merkel, Koord., *Friedenspolitik der Zivilgesellschaft: Zugänge — Erfolge — Ziele*, Münster, Agenda-Verlage, 1998, p. 250–56. For more general analyses of the MBT itself, see Nicola Short, "A New Model for Arms Control? The Strengths and Weaknesses of the Ottawa Process and Convention", *Disarmament Diplomacy*, no. 24 (March 1998), p. 7–11; Jozef Goldblat, "Anti-Personnel Mines: From Mere Restrictions to a Total Ban", *Security Dialogue*, no. 30, 1999, p. 19–23; Korinna M. Georghiades, "The Ottawa Convention: Meeting the Challenge of Anti-Personnel Mines?", *International Relations*, vol. 14, no. 3, 1998, p. 51–70; David C. Atwood, "Tackling the Problem of Anti-Personnel Landmines: Issues and Developments", paper presented at the Zurich Security Forum, 19–21 October 1998; and Ken Rutherford, "The Hague and Ottawa Conventions: A Model for Future Weapon Ban Regimes?", *The Nonproliferation Review*, vol. 6 (Spring/Summer 1999), p. 36–50. See also Alex Vines and Henry Thompson, in "Beyond the Landmine Ban: Eradicating a Lethal Legacy," *Conflict Studies*, no. 316 (March 1999).
- ³ *Banning Anti-Personnel Mines: The Ottawa Treaty Explained*, International Committee of the Red Cross, 1997, p. 7.
- ⁴ These points are elaborated further in Atwood, 1998.
- ⁵ ICBL, *Landmine Monitor Report 1999: Towards a Mine-Free World (Executive Summary)*, Human Rights Watch, 1999, p. 3–7.
- ⁶ Price, op. cit., p. 637.
- ⁷ "Antipersonnel Landmines and the Conference on Disarmament", International Campaign to Ban Landmines, February 1999, p. 3.
- ⁸ Vines and Thompson, p. 22.
- ⁹ *Landmine Monitor Report 1999: Towards a Mine-Free World (Executive Summary)*, p. 14.
- ¹⁰ International Campaign to Ban Landmines Working Group on Victim Assistance, "Guidelines for the Care and Rehabilitation of Survivors", 1999.
- ¹¹ *Landmines: A Review of United Nations Activities in Mine Action*, April 1999, p. 21.
- ¹² "Maputo Declaration", APLC/MSR1/1999/L.6, 6 May 1999, p. 1.

- ¹³ Ibid., p. 3.
- ¹⁴ "Intersessional Work", APLC/MSP.1/1999/Informal 2, p. 2.
- ¹⁵ APLC/MSP.1/1999/L.6, 3.
- ¹⁶ For a particularly strong expression of concern about these issues of definition, see the Discussion Paper "Definitions and Anti-Handling Devices" prepared by one of the world's leading de-mining organizations, the Mines Advisory Group, 31 August 1997. See also, Nicola Short, *op. cit.* 1998.
- ¹⁷ For further explanation of these concerns, see *Landmine Monitor Report 1999 (Executive Summary)*, p. 9–11.
- ¹⁸ "Complementary Process for Non-State Armed Actors", Report by the ICBL Non-State Actors Working Group, 1999, p. 1.
- ¹⁹ Ibid., p. 11.
- ²⁰ For a useful elaboration of steps that could be used to bring non-state actors into compliance with the norms of the Convention, see Richard Price, "Compliance with International Norms and the Mines Taboo", in Cameron, Lawson and Tomlin, *op. cit.*, p. 343–45.
- ²¹ Quoted in Solomon M. Santos, "Mine Action, Peace-building and Conflict Resolution". Paper prepared for the General Meeting of the International Campaign to Ban Landmines, Frankfurt, February 1998, p. 1.

Landmine Monitor: Citizens Verification in Action

Stephen D. GOOSE and Mary WAREHAM

On 3 May 1999 in Maputo, Mozambique, the International Campaign to Ban Landmines (ICBL) released its *Landmine Monitor Report 1999: Toward a Mine-Free World* to the First Meeting of States Parties of the 1997 Convention on the Prohibition of the Use, Stockpiling, Production, and Transfer of Anti-Personnel Mines and On Their Destruction.¹ This marked the first time non-governmental organizations (NGOs) have come together in a coordinated, sustained and systematic manner to monitor implementation of and compliance with an international humanitarian law or disarmament treaty. The Landmine Monitor initiative goes beyond monitoring the treaty and more generally assesses the efforts of the international community to resolve the landmines crisis.

The 1997 Mine Ban Treaty was developed and negotiated in just one year's time, it was signed by 122 nations in Ottawa, Canada in December 1997, and on 16 September 1998 Burkina Faso became the fortieth country to ratify, thereby triggering an entry into force date of 1 March 1999. This is believed to be the fastest entry into force of any major treaty ever. At the time of writing, eighty-six nations have ratified the Mine Ban Treaty — more than 60% of the current 135 signatories. The Mine Ban Treaty is now binding international law.

But despite these continued achievements, the opening for signature and entry into force of the Mine Ban Treaty mark just the beginning of the end of the anti-personnel mine (APM). Mammoth tasks lie ahead including universalization of the treaty, destruction of stockpiles, removal and destruction of the tens of millions of mines already in the ground, and provision of adequate assistance to landmine survivors and mine-affected communities. For the first forty nations that ratified, they were required to report to the United Nations Secretary-General on their implementation measures by 27 August 1999 (Article 7), to destroy their stockpiled mines by 1 March 2003 (Article 4), and to destroy mines in the ground in territory under their jurisdiction and control by 1 March 2009 (Article 5).

To regularly document progress and problems in implementation of the ban treaty and efforts to address the global landmine crisis, in June 1998, after months of discussions, the ICBL formally agreed to create Landmine Monitor as an ICBL initiative. Landmine Monitor is not a technical verification system or a formal inspection regime. It is an effort by civil society to hold governments accountable to the obligations that they have taken on with regard to APMs; this is done through extensive collection, analysis and distribution of information that is publicly available. Landmine

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Monitor intends to complement the states parties reporting required under Article 7 of the Mine Ban Treaty. It was created in the spirit of Article 7 and reflects the shared view that transparency and cooperation are essential elements to the successful elimination of APMs. But it is also recognition that there is a need for independent reporting and evaluation.

From the outset, different verification models were examined to see if any lessons could be learned that were applicable to the ICBL's goal of monitoring implementation of the ban treaty and the global response to the humanitarian crisis caused by landmines. At a meeting in September 1998 in Dublin, 150 campaigners from around the world gathered to examine potential models including verification of treaties, conventions and international norms pertaining to women, children, refugees, human rights, environment, international humanitarian law, nuclear disarmament, military production and trade, and conflict resolution. For example, implementation of the recently brokered Peace Accord in Northern Ireland was discussed in addition to examples of field monitoring of human rights violations in countries such as Angola. It quickly became clear that while no single verification regime by NGOs was applicable to the Mine Ban Treaty, common elements including reporting, databases and annual reports were useful tools. While NGOs have taken on watchdog roles over various related issues, never before had this been attempted by the ICBL, the unique coalition of over 1,400 diverse NGOs represented in over ninety countries of the world.

The Landmine Monitor system consists of three main elements: a global reporting network, a central database and an annual report. The 1,100-page *Landmine Monitor Report 1999: Toward a Mine-Free World* is the first annual report of the system and it is accompanied by a forty-page *Executive*

The Landmine Monitor system consists of three main elements: a global reporting network, a central database and an annual report. Landmine Monitor's research as documented in Landmine Monitor Report 1999 shows that very substantial progress is being made as the world embraces the new, emerging international norm against the APM.

Summary translated into six languages. The report contains information on every country of the world with respect to landmine ban policy, use, production, transfer, stockpiling, mine clearance, mine awareness and survivor assistance. *Landmine Monitor Report 1999* also includes appendices with reports from major actors in the mine ban movement, such as key governments, United Nations agencies and the International Committee of the Red Cross (ICRC).

To prepare this report, Landmine Monitor had over eighty researchers gathering information in more than 100 countries. It is largely based on in-country research, collected by in-country researchers. Landmine Monitor has utilized the ICBL campaigning network, but has also drawn in other elements of civil society to help monitor and report, including journalists, academics and research institutions. A Core Group of five NGOs already very active in the ICBL has developed and coordinates the Landmine Monitor system. They include research and advocacy organization Human Rights Watch; two field-based organizations involved in victim assistance and demining, Handicap International and Norwegian People's Aid; and two country campaigns of the ICBL, Kenya Coalition Against Landmines and Mines Action Canada. Overall responsibility for, and decision-making on, the Landmine Monitor system rests with the Landmine Monitor Core Group.

Landmine Monitor's research as documented in *Landmine Monitor Report 1999* shows that very substantial progress is being made as the world embraces the new, emerging international norm against the APM. Some of the key findings of *Landmine Monitor Report 1999* follow. Use of APMs is on the wane, production has decreased significantly, export has almost stopped completely, millions of mines have been destroyed from stockpiles, more money is being devoted to mine action, and the number of victims has decreased in some key affected countries.

Universalization and Ratification

One hundred and thirty-five countries have signed or acceded to the Mine Ban Treaty, including thirteen since the Ottawa signing conference on 3–4 December 1997. Those thirteen are: Zambia, Belize, São Tomé and Príncipe, Bangladesh, Chad, Sierra Leone, Jordan, Albania, Macedonia (which acceded), Equatorial Guinea (which acceded), Maldives, Ukraine and Lithuania. Considering the time that this issue has been before the international community, this number of signatories is exceptional.

Some fifty countries have not yet signed the treaty. This includes three of the five permanent members of the United Nations Security Council — the United States, the Russian Federation and China. Yet, virtually all of the non-signatories have endorsed the notion of a comprehensive ban on APMs at some point in time, and many have already at least partially embraced the Mine Ban Treaty. The United States reversed its policy and announced in May 1998 that it would sign the treaty — but only in 2006 and only if it is successful in developing alternatives to APMs. The Russian Federation has stated its “willingness to accede to this instrument in the foreseeable future”. China said in 1998 that it supports “the ultimate objective of comprehensive prohibition” of APMs.

Eighty-six nations have ratified the Mine Ban Treaty to date, largely due to the First Forty campaign of the ICBL and dedicated efforts by the ICRC, UNICEF and key governments. The ICBL’s ratification campaign will continue until the remaining signatories have ratified.

Global Use of APMs

The current global landmine crisis is largely the result of the huge increase in the number of mines laid in the 1970s, 1980s and early 1990s. The country reports in *Landmine Monitor Report 1999* show how *nowhere* in the world in 1998 and early 1999 were mines being laid on a very large scale and sustained basis. This is arguably attributable mainly to the global movement to ban the weapon and the stigmatization of its use. It is not a reflection of a decrease in global warfare, or of the development of a new weapon system to replace the APM in the arsenals of governments or guerrilla groups.

Landmine Monitor reported that three treaty signatories, Angola, Guinea-Bissau and Senegal, used APMs in 1998 after signing the treaty. Angola continues to use them to this day. While the ICBL condemns any use of APMs, it is particularly appalled at these governments’ disregard for their international commitments. Though Angola and Guinea-Bissau have not ratified the treaty, and it had not yet entered into force for Senegal,² the use of mines by a signatory can be judged a breach of its international obligations. Under Article 18 of the Vienna Convention on the Law of Treaties, “a state is obliged to refrain from acts which would defeat the purpose of a treaty when ... it has signed the treaty.” Clearly, new use of mines defeats the purpose of the treaty.

Though Landmine Monitor is still gathering and assessing information, it appears likely that during the period December 1997 to March 1999, there was new use of APMs by governments and/or rebels in thirteen conflicts. In addition to the three treaty signatories, other governments apparently planting mines included Myanmar (Burma), Israel, Sri Lanka, Turkey and Yugoslavia. Frequent, but unconfirmed, allegations have been made of new use in this period by the Governments of the Democratic Republic of Congo, Eritrea and Sudan. After release of the *Landmine Monitor Report*, the Governments of Senegal and Turkey denied that they used mines during this period.

Global Production of APMs

Landmine Monitor Report 1999 did not uncover any evidence of new production of APMs by treaty signatories and documented a dramatic drop in the number of APM producers, from fifty-four to sixteen. The thirty-eight who have stopped production include a majority of the big producers in the 1970s, 1980s and early 1990s — those who bear much of the responsibility for the tens of millions of mines now in the ground. Eight of the twelve biggest producers and exporters over the past thirty years have signed the treaty and stopped production.³

Of the sixteen who are still producers, eight are in Asia (Myanmar, China, India, North Korea, South Korea, Pakistan, Singapore and Viet Nam), three are in Europe (the Russian Federation, Turkey, former Yugoslavia), three are in the Middle East (Egypt, Iran and Iraq), two are in the Americas (Cuba and the United States), and none are in Africa. Several of the sixteen producers have not actually manufactured APMs in a number of years but they are still considered producers because they have refused to institute moratoria or make formal statements against production. The United States for example has not produced for two years, and Singapore is not thought to have produced for several years.

Also notable is that the Russian Federation in 1998 banned production of “blast” mines — the most common type of mine that explodes from pressure. This would include the PMN mine, which, along with the Chinese Type 72, is the most frequently encountered mine around the world. The United States has stopped production of all so-called dumb mines. As a result of the new restrictions in Protocol II of the Convention on Conventional Weapons (CCW), production of non-detectable mines by CCW states parties is stopping, which would include the Type 72 by China.

Global Trade in APMs

Landmine Monitor Report 1999 did not find evidence of APM exports or imports by treaty signatories, though some allegations have been made. This does not mean that no APMs have been transferred; there are great difficulties in tracking mine trade. But the findings (or lack thereof) are consistent with the observations of military specialists that in fact there have been no major mine shipments of APMs dating back some four years. A *de facto* global ban on export already seems to be in place; a norm against APM supply already seems to have taken hold.

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least made a formal statement that they are no longer exporting. Twenty-two have signed the treaty and thus stopped exporting (though many had unilateral restrictions in place prior to signing). Among non-signatories, one has an export ban in place (the United States), four have a moratorium in place (Israel, Pakistan, Singapore and the Russian Federation), and six have made declaratory statements that they no

longer export (China, Cuba, Egypt, Iran, Viet Nam and the former Yugoslavia).⁴ It is possible, of course, that some of these nations continue to export APMs despite their public policy pronouncements.

Efforts continue to begin negotiations on an APM transfer ban through the Conference on Disarmament (CD) even though there are no major exporters today, and most of the major exporters of the past have signed the treaty. The ICBL believes the potential negative impact of such negotiations far outweighs the potential benefits. Foremost, the ICBL has argued that a proliferation of international legal instruments on APMs, particularly limited ones, undercuts the establishment of an international norm against any possession or use of APMs.⁵

The ICBL is also concerned that a non-signatory, the United States, has discussed with a number of treaty signatories the permissibility of the United States transiting mines through their territory. A debate has emerged over whether the treaty's prohibition on "transfer" of APMs also applies to "transit," with many treaty signatories maintaining that it does not. This would mean that American (or other) aircraft, ships or vehicles carrying APMs could pass through (and presumably depart from, refuel in and restock in) a treaty signatory on their way to a conflict in which those mines would be used. The ICBL believes that if a State Party wilfully permits transit of APMs that are destined for use in combat, that government is certainly violating the spirit of the Mine Ban Treaty, is likely violating the Article 1 ban on assistance to an act prohibited by the treaty, and possibly violating the Article 1 prohibition on transfer.

Global Stockpiles of APMs

Landmine Monitor estimates that there are more than 250 million APMs stored in the arsenals of 108 countries. The largest stockpiles are held by China (110 million), the Russian Federation (60–70 million), Belarus (unknown, but likely tens of millions), the United States (11 million), Ukraine (10 million), Italy (7 million) and India (4–5 million). Landmine Monitor research indicates that the biggest current stockpiles of treaty signatories belong to Ukraine, Italy, Sweden, Albania, Japan, the United Kingdom, France, Spain and Greece. Italy, Sweden, the United Kingdom, France, Spain and Ukraine are in the process of destroying their mines while Japan is in the planning process. Albania and Greece — neither of which has ratified the treaty — are not known to have any plans for destruction.

Stockpiled mines must be destroyed before they have a chance to get into the ground. The ICBL has called for a major *preventive mine action* effort to eradicate APM stockpiles, as well as those already planted. Landmine Monitor research shows that more than 12 million APMs have been destroyed in recent years. Twelve treaty signatories have already completed destruction of stocks: Austria, Belgium, Canada, El Salvador, Germany, Guatemala, Luxembourg, Namibia, Norway, Philippines, South Africa and Switzerland.⁶ In late June 1999, Hungary completed its stockpile destruction, while Croatia destroyed 3,434 APMs in a ceremony marking the start of their stockpile destruction programme. At least eighteen signatories are already in the process of destruction and other signatories and ratifiers are in the planning process.

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It appears that the vast majority of treaty signatories that have (or had) stockpiles of mines are opting to exercise the Article 3 exception that permits retention of mines for training purposes. It appears that at least a few governments have decided to retain 10,000 or more mines under Article 3. While many nations have not yet revealed the number of APMs to be retained, it appears many intend to keep between 1,000–5,000. Several intend to keep more: Belgium 6,240; Slovenia 7,000; Italy 8,000; Spain 10,000; Japan 15,000. During the Oslo negotiations, it was established for the diplomatic record that the number of mines retained for training should be in the hundreds or thousands, not tens of thousands.⁷

Although a non-signatory, the United States has destroyed 3.3 million APMs as part of its commitment to eliminate use of dumb mines everywhere but on the Korean Peninsula. Yet the United States has APMs stored in at least seven nations which have signed the Mine Ban Treaty (Germany, Greece, Italy, Japan, Norway, Spain and the United Kingdom). The United States has engaged in discussions with these nations in an effort to convince them that it is permissible under the treaty to allow American mines to stay. The ICBL believes that it certainly would violate the spirit and likely the letter of the treaty for states parties to permit the United States (or any other government or entity) to stockpile APMs on their territory.

Anti-vehicle Mines with Anti-handling Devices

Anti-vehicle mines equipped with anti-handling devices represent a special issue of concern for the ICBL. During the Oslo negotiations, the ICBL stated that “the Campaign believes that the definition of an APM should be based on its effect rather than its design A mine with an anti-handling device is going to function as an anti-personnel mine; it is going to pose extreme dangers to civilians and to humanitarian deminers. Remotely-delivered, scatterable mines with antihandling devices in particular will put civilians at risk.”⁸

The ICBL believes that anti-vehicle mines with anti-handling devices that function as APMs are banned by the treaty, but is concerned that there has not been adequate recognition of this by governments. A diplomatic understanding was reached in both the working group on definitions and in the Committee of the Whole during the Oslo negotiations where delegates made it clear for the diplomatic record that anti-vehicle mines equipped with anti-handling devices that explode from an innocent, unintentional act are to be considered as APMs and therefore banned by the treaty.⁹ There has been no discussion of the practical implications of this. States parties need to be more explicit about what types of mines and anti-handling devices, and what deployment methods, are permissible and prohibited. This will be a continued area of research for Landmine Monitor.

In addition to remotely-delivered, surface laid anti-vehicle mines in general, the ICBL is particularly concerned about anti-vehicle mines that utilize tilt rods, tripwires, breakwires or sensitive magnetic influence fuzes. It seems clear that anti-vehicle mines using tilt rods, tripwires or breakwires will explode from an innocent act by an individual, and therefore should be considered banned by the treaty. It also appears that at least some, if not all, anti-vehicle mines with magnetic influence fuzes might be exploded by an unintentional act by an individual. The ICBL has also expressed concern that the Mine Ban Treaty does not define “anti-vehicle mine”. At the very least, states parties should agree on a minimum amount of pressure necessary to explode a pressure-activated anti-vehicle mine.

National Implementation Measures

Article 9 of the Mine Ban Treaty (“National Implementation Measures”) states “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” by the treaty. However, according to *Landmine Monitor Report 1999* only fourteen of the eighty-two governments that have signed and ratified the treaty have passed domestic laws implementing the treaty. Some governments have indicated that they do not believe an implementation law is required, because they have never

possessed APMs and are not mine-affected, thus, no special action is necessary to fulfill the terms of the treaty. The ICBL is concerned, however, about the need for all states to pass legislation that would at least impose penal sanctions for any potential future violations of the treaty.

Questions have also been raised in a number of instances about the consistency of various pieces of national implementation legislation and the treaty itself. Perhaps most notable are provisions that relate to joint military operations with treaty non-signatories and interpretations of the Article 1 ban on assistance with a prohibited act by a non-signatory.

A number of countries, including Australia, Canada, New Zealand and the United Kingdom, have adopted legislative provisions or made formal statements with regard to possible participation of their armed forces in joint military operations with a treaty non-signatory that may use APMs. As has been noted by Australia and the United Kingdom, the likely non-signatory is the United States. The ICBL is concerned that these provisions and statements, while understandably intended to provide legal protection for soldiers who have not directly violated the treaty, are contrary to the spirit of a treaty aimed at no possession of APMs, in that they contemplate a situation in which treaty states parties fight alongside an ally that continues to use APMs.

In each of these cases, government officials have stated that the intent is to provide legal protections to their military personnel who participate in joint operations with a non-signatory who may utilize APMs. The ICBL does not cast doubt on the stated motivations of these nations; it does not believe that these provisions and statements are intended to undermine the core obligations of the treaty. However, adoption of this type of language could be interpreted to imply acceptance of, rather than a challenge to, the continued use of APMs by the United States or other non-signatories. The ICBL calls on treaty signatories to insist that non-signatories do not use APMs in joint operations.

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Humanitarian Mine Action

The Mine Ban Treaty is more than simply a ban on APMs. It obligates each state party to clear all mined areas within its jurisdiction or control within a ten-year period. A mined area is defined as “an area which is dangerous due to the presence or the suspected presence of mines.” This definition includes areas which are *suspected* of being mined. This is an important provision, because the mere suspicion that an area is mined can often have the same effect as if it actually were mined, rendering it useless. Recognizing that it is likely not possible to clear the worst affected areas within this period, the treaty contains a provision that parties may apply for an extension of up to ten years, and renewals if necessary.

Article 6 on International Cooperation and Assistance states the right of each party to seek and receive assistance to the extent possible. It obligates states parties to share and exchange knowledge, equipment and technology, and those with the means to do so are called upon to provide assistance for mine clearance and other mine action programmes. This article implies a responsibility of the international community to provide funding and support for mine action programmes in mine-affected countries with limited resources. The implementation of Article 6 will thus be crucial for the success of the Mine Ban Treaty, as it is through this mechanism that funds for Mine Action will be secured.

By providing an action-oriented, scheduled, legal framework for international cooperation on Mine Action, the Mine Ban Treaty represents a breakthrough in the struggle against landmines. Apart from the many obvious operational challenges that remain in removing the mines from the ground,

the implementation of the Mine Ban Treaty is the main challenge for the mine action community in the coming years. From a mine action perspective, implementation and follow-up to the treaty present an opportunity to bring the landmine crisis under control during the next decade, a major step towards the realization of a mine-free world.

Humanitarian mine action — an integrated approach to removing landmines from the ground and reducing their disastrous impact on mine-affected communities — is a relatively new concept. It has emerged as NGOs and the United Nations have been increasingly involved as key actors in humanitarian mine clearance efforts since the late 1980s. Humanitarian mine action is a comprehensive, structured approach to deal with mine and unexploded ordnance (UXO) contamination, including survey assessment, mine clearance, mine awareness and victim assistance. These activities are carried out to reduce the threat posed by landmines to individuals and communities in mine infested areas, as well as to assist mine victims. Humanitarian mine action should work to create indigenous capacity in mine affected communities, because it is part of their long-term development.

A lack of pre-existing data on the scope, size and impact of the problem has made it difficult to establish parameters for the measurement of the effectiveness of mine action. Considerable work remains to be done in order to create generally accepted measures of success; and efforts need to continue to explain to the international community generally, and to the donor community in particular, why mine action is a long-term commitment. Nobody knows how many mines there are in the ground, and that number is not very relevant. A far more important question is *the number of people*

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affected by the landmine threat in their daily lives. What is relevant is how many people are affected by the presence of mines, which are obstacles to post-conflict reconstruction and socio-economic re-development.

Landmine Monitor Report 1999 examines the nature of the landmine and UXO problem in every country of the world and identifies the actions of key actors involved in humanitarian mine action. Key actors include national mine action centres and mine action programmes. They also include NGOs such as Handicap International, Mines Advisory Group and Norwegian People's Aid — which together represent a substantial part of the world's humanitarian demining capacity, employing around 4,000 local experts in mine survey, mine marking, mine clearance and mine risk education programmes in twenty heavily affected countries. These three agencies have formulated a joint statement of principles to guide further work and development of methods related to humanitarian mine action (see article by Bill Howell).¹⁰

Another effort to establish proper methods and survey formats in order to get better baseline data for mine action operations has resulted in the establishment in May 1998 of the Global Landmine Survey Programme. This major initiative involves the NGO mine action community, the United Nations through the United Nations Mine Action Service (UNMAS) and the Geneva International Centre for Humanitarian Demining.

Two of *Landmine Monitor's* country reports on heavily mine-affected countries show significant progress is being made. In Afghanistan, 146 km² of land have been cleared of mines, but another 713 km² await demining. Casualties in Afghanistan are estimated at ten to twelve per day, about half of the 1993 estimate. In Cambodia, 148 km² of land have been cleared; another 644 km² is known to be mined and 1,400 km² is suspected to be mined. There were 1,249 mine casualties in 1998, about one-third of estimates from several years ago.

Funding for Humanitarian Mine Action

While Landmine Monitor found it very difficult to get an accurate and comprehensive picture of mine action funding, the research collected does give a representative and informative picture of the global situation. *Landmine Monitor Report 1999* identified approximately \$640 million in mine action spending by seventeen major donors. Nearly all of this spending occurred between 1993–1998. Total global spending on mine action to date is bound to be at least tens of millions of dollars higher than the \$640 million compiled but it is a useful number to compare to the \$500 million pledged just during the Ottawa Treaty signing conference in December 1997, or to the \$1 billion *per year* target of the American 2010 initiative.

This is far from a complete global total for mine action spending to date, not just because it reflects funding by only seventeen donors. For some of these donors it does not include spending on victim assistance, for others it does not include mine action funding for 1998 or for some earlier years, and for others it may not include mine action funding from all government departments and agencies. Landmine Monitor has also attempted to separate funds for research and development on demining technologies and equipment from this total. (Six key governments have spent some \$84 million on R&D.) Also left out of this total is U.S.\$175 million in mine action funding reported from the European Community (EC), because at least in some cases the major mine donors reported donations to the EC as part of their domestic mine action spending. This total also does not include in-kind (as opposed to cash) contributions from some of these donors, nor the substantial in-kind contributions made by other donors.

Accurate, complete and comparable figures for major mine action recipients are even more elusive than those for major mine action donors but *Landmine Monitor Report 1999* identified the biggest recipients as being among those with the greatest landmine problem: Afghanistan, Angola, Bosnia-Herzegovina, Cambodia and Mozambique.

Assistance to Landmine Survivors

The ICBL pressed hard to have language related to assistance to mine victims included in the Mine Ban Treaty. The Preamble recognizes the desire of states parties “to do their utmost in providing assistance for the care and rehabilitation, including the social and economic reintegration of mine victims” Article 6 of the Treaty requires that 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.” Article 6 states the right of each party to seek and receive assistance to the extent possible for victims. This article implies a responsibility of the international community to support victim assistance programmes in mine-affected countries with limited resources.

Despite the difficulties in obtaining concrete information on mine victims, the country reports in *Landmine Monitor Report 1999* have pulled together a range of information on mine victims and assistance programmes. This report indicates, for example, that the number of victims is dropping in a several high-risk countries. These include: Afghanistan, Bosnia, Cambodia, Croatia, Eritrea, Mozambique and Somaliland. Certainly this is encouraging information, but the reasons for the decreases need to be analyzed. The country reports offer some possible explanations, but research is not systematic, and the explanations are often speculative or non-existent. In some cases, such as Cambodia, the decrease might be attributable to the fact that the fighting has greatly diminished as much as to anything else. In other cases, it might be in part the impact of mine awareness programmes;

or how demining programmes have been prioritized and carried out, e.g., focusing on demining sites for relocating refugees before their return diminishes casualties. A clear understanding of why the decreases have happened is important to programme planning, in particular in order to apply lessons learned to other situations and diminish the number of mine incidents.

Landmine Monitor country reports clearly indicate that the bulk of the limited resources allocated to mine victim assistance are for the immediate medical and prosthetic needs of the survivor; and of course, in many instances, in many devastated countries even these needs are not met.

If increasing aid has become a major challenge, a certain number of initiatives over the last two years have been taken to draw up recommendations and standards for mine action. Some examples include the "Berne Manifesto", initiated by the World Health Organization, the United Nations Children's Fund, the ICRC and the Swiss Government. The ICBL's Working Group on Victim Assistance, created in February 1998 and made up of nearly twenty-five NGOs, has also formulated "Guidelines for Care and Rehabilitation of Survivors". (See article on victim assistance, by Jerry White, in this issue.)

Conclusion

Landmine Monitor is a work in progress, a system that will be continuously updated, corrected and improved. Its research will be issued in annual reports timed for release to the meetings of states parties to the Mine Ban Treaty. Comments, clarifications and corrections are solicited from governments and others, in the spirit of dialogue and in the search for accurate and reliable information on a difficult subject. The next report is due for release at the Second Meeting of States Parties in Geneva, Switzerland in September 2000.

Like the first report, the second report will contain information on every country of the world, but primarily updated information, not repeating all the material contained in *Landmine Monitor Report 1999*. The next report seeks to provide more extensive and focused thematic research on areas including funding of mine action (both from the donor and recipient perspectives), use of demined land, victim assistance data collection systems, technologies and research and development in mine clearance, the role of non-state actors, and weapons with anti-personnel mine effects.

The next report will also review and analyze information provided by states parties under Article 7 of the 1997 Mine Ban Treaty. With additional time the Landmine Monitor Core Group hopes that more field-based research and longer-term research projects will be possible for this second report.

Notes

- ¹ The ICBL generally uses the short title, Mine Ban Treaty, though other short titles are common as well, including Ottawa Convention and Ottawa Treaty.
- ² Senegal ratified on 24 September 1998, in the midst of the conflict in Guinea-Bissau where it was laying mines. The treaty entered into force for Senegal on 1 March 1999, after a cease-fire took effect.
- ³ These are: Belgium, Bosnia, Bulgaria, Czech Republic, France, Hungary, Italy and the United Kingdom. Based on Landmine Monitor research findings and on information provided by the United States Army Foreign Science and Technology Center, letter to Human Rights Watch, 1 November 1993.
- ⁴ The Russian Federation's moratorium and China's declaratory policy only apply to export of non-detectable and non-self-destruct mines, in keeping with CCW restrictions. However, neither nation is known to have made a significant export since 1995.
- ⁵ See Stephen Goose, *Antipersonnel Landmines and the Conference on Disarmament*, Human Rights Watch, Chair,

ICBL Treaty Working Group, released in Geneva, 1 March 1999.

⁶ Many of these are keeping a small number of mines for training, as permitted under the treaty.

⁷ See ICBL Statement to the Closing Plenary of the Oslo Diplomatic Conference, 18 September 1997.

⁸ ICBL, *Ban Treaty News*, 1 September 1997, p. 3.

⁹ ICBL, Statement to the Closing Plenary of the Oslo Diplomatic Conference, 18 September 1997.

¹⁰ Handicap International, Mines Advisory Group and Norwegian People's Aid, *Portfolio of Mine-related Projects 1998*.

Verification of the Ottawa Convention: Workable Hybrid or Fatal Compromise?

Trevor FINDLAY

Verification is by now standard fare in arms control and disarmament agreements. It is the means by which confidence in the implementation of an agreement is engendered or enhanced. Verification achieves this by detecting violations, deterring would-be violators, and providing a mechanism for parties to demonstrate their compliance. In view of the widespread awareness of the difficulty of verifying a ban on anti-personnel landmines, it may come as a surprise to see how rudimentary the verification arrangements for the Ottawa Convention are. This paper will examine what these verification arrangements are, how they were negotiated, how verifiable they have made the treaty and what might be the prognosis for the future.

Verification Provisions of the Ottawa Convention

The Ottawa Convention contains no verification article or protocol specifically designated as dealing with verification. The treaty does not even mention the word verification. Yet it would be wrong to conclude that it contains no verification provisions at all. The rudiments of a verification system are to be found in Article 7 on Transparency Measures and Article 8 on Facilitation and Clarification of Compliance.

Article 7 requires states parties to provide a range of information on anti-personnel landmines and landmine-related activity to the United Nations Secretary-General, the treaty's depositary. This is to be done as soon as possible, but in any event, no later than 180 days after entry into force of the convention for that state party. Since the treaty as a whole entered into force on 1 March 1999, the deadline for those states that had ratified by that date was 27 August 1999. Such reports are to be updated by 30 April each year. Data to be supplied includes: an account of national implementation measures (including legal and administrative); numbers and types of stockpiled landmines; the locations of mined areas; the numbers and types retained for permitted purposes (development of and training in mine detection, clearance and destruction techniques); details of the destruction of mines and decommissioning of production facilities; the technical characteristics of all mines produced; and measures undertaken to warn populations of mined areas.

Article 8 establishes a procedure that a state party or parties can use to pursue a suspected case of non-compliance. Any state party may submit to any other state party, through the Secretary-General, a Request for Clarification. The state party is obliged to reply within twenty-eight days. If the requesting state party does not receive a timely or satisfactory reply, it may submit the matter to the

next scheduled Meeting of States Parties, request the good offices of the Secretary-General in resolving the matter, or (presumably *in extremis*) propose a Special Meeting of States Parties. If, within fourteen days one-third of the states parties agree, such a meeting shall be convened within another fourteen days. Such a meeting may dismiss the matter by a majority of states present and voting. If further clarification is sought, the meeting may authorize a fact-finding mission and decide its mandate by majority vote.

Fact-finding missions may be carried out by up to nine experts drawn from a list maintained by the Secretary-General. The team must provide at least seventy-two hours notice before entry into the territory of the state to be inspected. It may bring equipment for gathering information and remain in the territory up to fourteen days (but for no more than seven at any one site unless otherwise agreed). Article 8 contains the normal safeguards for protecting national sovereignty on the one hand and the fact-finding mission members on the other.

The fact-finding mission must report its findings, through the Secretary-General, to the Meeting of States Parties. The meeting may, by a two-thirds majority (in the absence of consensus), request the state party concerned to take measures to address the compliance issue or suggest other ways of resolving the issue, including 'the initiation of appropriate procedures in conformity with international law'. The latter is a commonly used euphemism for the imposition of some form of sanction (such as suspension of treaty benefits) or referral of the matter to the Security Council or the International Court of Justice.

How Does the Ottawa Convention Compare with Other Regimes?

The Ottawa Convention is a hybrid treaty, having antecedents in both arms control and international humanitarian law (IHL). Its verification and compliance provisions sit indeterminably between the two traditions — more robust than some humanitarian law but weaker than the best arms control models.

The most obvious difference between such arms control models and the Ottawa Convention is the latter's lack of a standing institutional structure. First, it has no independent monitoring system, like the International Monitoring System for the Comprehensive Nuclear-Test-Ban Treaty (CTBT) or the nuclear safeguards system of the International Atomic Energy Agency. Nor does it have a permanent

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inspectorate like the Organisation for the Prohibition of Chemical Weapons (OPCW). The Ottawa Convention relies totally on self-reporting for its 'baseline' data and subsequent data acquisition. Although its transparency measures are relatively comprehensive and, if complied with by most states, will provide a detailed baseline against which future compliance can be judged, in the most sophisticated verification systems such data is subject to confirmation by independent monitoring. Monitoring techniques may include: remote sensing; automatic, tamper-proof on-site monitoring; materials accountancy; and routine, ad hoc and challenge on-site inspections. The United Nations Secretariat's Department of Disarmament Affairs will be the sole institutional home for the Ottawa Convention, its role restricted to compiling the information provided by states parties and distributing it to other states parties.

Naturally, so-called national technical means (NTM), the use of national verification assets such as satellites and electronic and human intelligence, may be used to verify compliance with the Ottawa Convention, as is the case with all other agreements. However, technology-based NTM are unlikely to prove to be as powerful a verification tool in the case of landmines and are therefore a poor substitute for an international monitoring system.

The second institutional lacuna in the Ottawa Convention is the absence of standing bodies capable of dealing with compliance matters, as are found in the CWC, CTBT and American/Soviet bilateral nuclear arms control treaties. Judgements about the veracity of the information will be left to states parties. Without a technical secretariat there is no expert body that can deal, apolitically and sensitively, with technical, inadvertent or minor cases of non-compliance. Without a standing Executive Council of states parties (as in the CWC) to deal with more serious allegations, the only option is to put the matter before the assembled states parties. This must either wait until an annual meeting occurs (which may not match the urgency of the case) or a special meeting must be called, which would raise the stakes of the issue considerably. With no continuous, routine monitoring or inspection system, any request for a fact-finding mission is bound to be seen as politically inflammatory, however reasonable the grounds for the request. The fact that the treaty portrays a fact-finding mission as a last resort in cases of alleged non-compliance would further increase its political saliency and makes it less likely that one will ever be initiated.

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Surprisingly, the detail of the fact-finding provisions in the Ottawa Convention is, in some respects, more progressive than some of its arms control predecessors. The requirement for only a simple majority of states present and voting to authorize a fact-finding mission and establish its mandate is, at least theoretically, less onerous than the thirty out of fifty-one Executive Council votes required for approval of an on-site inspection under the CTBT.

The timelines for launching an inspection once decided are also relatively tight compared with other treaties, perhaps because such inspections will be technically less complex than, for example, those which aim to detect chemical weapons or nuclear testing. The fact-finding mission may arrive on the territory of the inspected state within seventy-two hours. This compares favourably with the CWC, which permits a maximum delay of 120 hours (although in the case of the CTBT it is twenty-four hours).

However the Ottawa Convention's decision-making procedure for approving an inspection is long-winded compared to other treaties. Fourteen days are allowed for states parties to decide to call a meeting and a further fourteen days for such a meeting to be convened. This gives a potential violator four weeks in which to remove or hide evidence of a violation. In the case of the CTBT, the Executive Council must make a decision within ninety-six hours of the request being made. For the CWC the period is twelve hours.

Yet comparisons of these timelines can be misleading. It is unlikely in any treaty regime that an on-site inspection request will be a bolt-from-the-blue. Requests for clarification from the suspected party will usually be tried first. This may be followed by a partial or unsatisfactory clarification, in which the matter will be pursued through further consultation, which may further delay dispatch of a mission. In the case of the Ottawa Convention, there is specific mention of the possibility of using the offices of the Secretary-General to resolve compliance issues. In the worst case of a state deliberately and surreptitiously violating an arms control treaty there will be many opportunities for it to procrastinate and obfuscate before on-site inspection provisions are triggered. Such delays permit damning evidence to be destroyed, removed or tampered with. The Ottawa Convention is, however, more vulnerable than other treaties to such a phenomenon because of its lack of continuous verification, including remote monitoring. Such capabilities cannot usually be tampered with by the suspect state and are able to provide evidence of illicit change on which proof of non-compliance may be based.

A significant feature of the Ottawa Convention is that it appears to permit no right of refusal of a request for inspection. This compares favourably with, for example, the Conventional Forces in Europe Treaty. Moreover, the Ottawa Convention specifically provides that the inspected state must

make every effort to ensure that the mission is given the opportunity to speak with all relevant persons who may be able to provide information related to the alleged compliance issue. This provision, unprecedented in an arms control agreement, reflects not only the influence of humanitarian 'visits' procedures in IHL but also, perhaps, the experience of the United Nations Special Commission for Iraq (UNSCOM), which was able to glean important information from interviews, both planned and opportunistic, with Iraqi personnel.

The fact-finding missions for the Ottawa Convention are to be granted access by the suspected state party to 'all areas and installations under its control where facts relevant to the compliance issue could be expected to be collected'. However, as in the CWC case, the equivalent of so-called managed access techniques may be employed by the inspected party to protect sensitive equipment, information and areas. Constitutional bars to unwarranted searches must also be respected and the physical protection of the fact-finders taken into consideration. The inspected party must demonstrate its compliance by other means if it denies access to particular sites. These are all, by now, standard provisions in arms control agreements.

Overall, while not quite matching the on-site inspection Holy Grail of 'anytime, anywhere', the Ottawa Convention's fact-finding provisions are not too far from 'best practice' in current arms control. In terms of IHL, however, the Ottawa Convention is weaker than some models and more robust than others. In providing that only states parties may request clarification of compliance, it is weaker than the optional protocol of the International Covenant on Civil and Political Rights, which permits non-state actors to trigger such requests — although how realistic and effective such mechanisms are is questionable.¹ On the other hand, in relation to fact-finding the Ottawa Convention provisions go beyond other IHL treaties, including the 1949 Geneva Convention and its Additional Protocol I and the Torture Convention.

Why Was More Verification Not Included?

The reasons why verification was not a more prominent part of the Ottawa Convention are complex. They have to do with the peculiar genesis of the treaty, its hybrid origins, the timing of the treaty's emergence and the peculiarities of anti-personnel landmines as a target of arms control.

THE 'IDEOLOGY' OF THE CONVENTION

The Ottawa Convention, as an idea, did not emerge from the traditional arms control school, which sees controls on weaponry as a means of enhancing national and international security. Rather, it emerged from the humanitarian movement, which regards the use of anti-personnel weapons as inhumane. After 1996, amid widespread disappointment at the failure of the parties to the Convention on Certain Conventional Weapons to ban landmines outright when revising its Protocol II, there emerged two competing conceptions of how to proceed.

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One was to take the traditional arms control route, through negotiations at the Conference on Disarmament (CD) in Geneva. Supporters of this alternative argued that only the CD had the experience and competence to handle the difficult issues involved, especially verification. In this group were Australia, the Russian Federation and the United

States. The Russian Federation wondered whether a landmine verification system might be more 'cumbersome, costly and intrusive' than the CWC system, while arguing that 'a simple and inexpensive verification of so complicated a ban is totally inconceivable'.² The fact that those states favouring the CD route were among those most sceptical about the verifiability of a landmine ban fuelled suspicions that they hoped the treaty would die in Geneva.

The alternative to Geneva was a negotiating forum especially convened for the purpose. A precedent was the negotiation of the Open Skies Treaty. Such a forum would permit the treaty to be negotiated by a self-selected group of treaty supporters, since those opposed would tend to absent themselves. The process would also be freed of the diplomatic formality and proceduralism of United Nations negotiating forums, facilitating a 'fast track' and an unprecedented degree of non-governmental participation. Many states viewed this idea with alarm.

When the first route proved impossible, because the CD's consensus rule blocked agreement on a negotiating mandate, the second emerged as the Ottawa Process. It was championed by the International Campaign to Ban Landmines (ICBL), the International Committee of the Red Cross (ICRC), other non-governmental organizations (NGOs) and a select group of states led by Canada. From the outset it had a humanitarian impetus that shaped both the negotiations and the form and content of the treaty, including its verification provisions. Most of the great powers were not involved until the very end (the Russian Federation and China never were). The process was dominated by small and medium powers and NGOs. The result was the comprehensive ban on anti-personnel landmines favoured by NGOs, rather than the limited, carefully hedged ban favoured by others. It also led to the inclusion of novel provisions relating to mine victim assistance and mine awareness programmes. Finally, it resulted in a less prominent role for verification than might otherwise have been the case.

The process was dominated by small and medium powers and NGOs. The result was the comprehensive ban on anti-personnel landmines favoured by NGOs, rather than the limited, carefully hedged ban favoured by others. It also led to the inclusion of novel provisions relating to mine victim assistance and mine awareness programmes.

With the Ottawa Process moving forward, even those states in favour of a ban divided into several camps over verification. One group, including Germany, insisted that the process produce a treaty with the standard arms control verification provisions. A second group favoured a treaty with a moderate degree of verification as befitting its dual arms control and humanitarian purposes. Perhaps surprisingly, this group included Canada, which has traditionally advocated strong verification provisions and has pioneered influential studies on the subject. A third group, whose most vocal advocate was Mexico, saw no need for verification at all. A majority of the many African states involved in the Ottawa Process were sympathetic to this viewpoint. Indifferent to, agnostic about or actively opposed to verification, many developing states continue to see it as a Western preoccupation or as appropriate only to antagonistic relationships, such as that between the former Soviet Union and the United States during the Cold War.

Many, although not all, NGOs participating in the Ottawa Process were also inclined to forego strict verification in order to achieve a treaty as soon as possible.³ Traditionally suspicious of government intentions, many regarded verification as having the potential, whether deliberate or not, to thwart the negotiations. There may also have been a calculation that the majority of developing countries would more readily support a treaty without verification.

The rationale for the Ottawa Convention's relatively modest verification provisions emerged from the interplay of these groups of states and NGOs. Strict arms control-style verification was ultimately a casualty of the trade-off between the security and humanitarian objectives of the treaty.

In arms control, relatively strict verification is normally required because failure of an agreement may threaten the security of the state or even its existence. This is particularly true of cases where

'breakout' from a treaty might result in dire consequences, such as the use of nuclear, chemical or biological weapons, or where a distinct military advantage would be gained, as in the case of major conventional weapons systems such as tanks and aircraft. Although some states regarded national security as being paramount in determining their attitude towards a landmine ban treaty (most notably the United States in relation to the defence of South Korea, but also Finland in relation to the Russian Federation), others accepted that landmines were either not essential to their defence or that the defence risks were outweighed by the humanitarian benefits. No one seemed concerned about 'breakout' from a landmine treaty, since landmines are widely considered to be defensive weapons. If the treaty was violated through the use of landmines it would surely follow an invasion of one state's territory by another, an event so traumatic and involving so many other weapon systems that landmines would be a relatively minor consideration. In these circumstances, the requirement for verification was perceived by most Ottawa Process participants to be lower.

Combined with this view was the assumption that verification of a landmine ban was technically difficult or impossible because of their size, ubiquity and ease of manufacture. Those who argued that verification was feasible tended to advocate an intrusive, comprehensive verification system to overcome these difficulties. There was, however, little enthusiasm for yet another expensive verification edifice. States were already being required to fund two new verification organizations, the OPCW and the CTBT Organization, as well as being asked for voluntary support for UNSCOM. Also being mooted was another standing verification agency, for the Biological Weapons Convention.

THE NEGOTIATING PROCESS

The negotiating process produced a draft that seesawed between varying levels of verification before finally settling, inevitably, on a workable compromise. The first draft of what would become the Ottawa Convention, prepared by Austria in February 1997, had no verification provisions. This was due, at least in part, to the Austrians' determination to keep the draft simple and clear. Verification provisions, along with other elaborations, were seen as having the potential to delay negotiation of a treaty.⁴

At an experts meeting in Vienna from 12–14 February 1997 many participants thought the Austrian draft too sparing on verification and sought strengthened verification and compliance measures. As a result, Article 8 on Transparency Measures and Article 9 on Verification and Compliance were added. Based on existing arms control models, Article 9 provided that any state party could request a 'challenge inspection' on the territory of any other state party. A Board of Eminent Experts, nominated by the Secretary-General, would decide whether or not to grant the request and then supervise its conduct.⁵ The Board would be required to make a decision within twenty-four hours. The inspectors' report would be sent, via the Secretary-General, to all states parties and 'in the case of abuse' would make recommendations on measures to redress the situation.⁶

Continuing divisions over verification prompted the German Government to hold an Experts Meeting on Possible Verification Measures in Königswinter from 24–25 April.⁷ It was attended by 120 states as well as the United Nations, the ICRC and the ICBL. Some now considered the Austrian draft too intrusive. Mexico, on purist legal and practical grounds, argued for no verification, while Germany defended the need for at least some measures additional to national reporting.⁸ Canada argued that since conventional verification schemes would be too expensive, an alternative was a cooperative system that encouraged compliance rather than one that punished non-compliance. No agreed position emerged at the meeting, but Austria agreed to provide a third draft by the end of May.

In their third draft the Austrians attempted a middle ground, moving both language and concept closer to international humanitarian law.⁹ 'Verification of compliance' was replaced by 'Facilitation and clarification of compliance', while 'on-site inspection' was replaced by 'fact-finding mission'.¹⁰ Instead of a board of experts, a Meeting of States Parties would decide whether a fact-finding mission should be conducted. This concept was apparently based on the mechanisms of the Organisation for Security and Co-operation in Europe (OSCE) for dealing with unusual military events and alleged human rights violations.¹¹

At the final negotiating conference in Oslo in September 1997, Canada, an advocate of middle-range verification, was chosen as 'Friend of the Chair' to finalize the verification and compliance provisions.¹² Article 8 on Transparency Measures was elaborated to include greater detail of state party activities in complying with the treaty.¹³ Most notably, the deadline for first notification after entry into force was shortened from one year to 180 days. Negotiations on Article 9 focussed on whether fact-finding missions should require the consent of the inspected state or whether a decision of the states parties could order a fact-finding mission.¹⁴ Article 9 was expanded from seven paragraphs to twenty, mostly to provide safeguards for the inspected state's sovereignty and commercial proprietary rights on the one hand and for the inspectors on the other.

The United States, participating in the negotiations for the first time, declared at the outset that significant changes would need to be made to the text before it could sign. Among these were 'improved verification provisions'. In contrast to its other 'non-negotiable' demands, all of which were rejected, some of the American verification and transparency proposals were accepted.¹⁵

The final text is a mixture of arms control and humanitarian precedents. Despite the treaty's subject matter, it takes a cooperative approach to clarifying compliance that is more reminiscent of human rights agreements and even environmental agreements like the Framework Convention on Climate Change and its Kyoto Protocol.

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How Verifiable is the Ottawa Convention?

The conventional wisdom has been that a ban on landmines would be largely unverifiable. The small size of the weapon, its ubiquity and ease of manufacture have appeared to be impossible obstacles to verification. Landmines are used routinely in civil wars by non-state actors who cannot become parties to the convention, much less involved in its verification. In this sense landmines pose the same challenge to verification as small arms in general.

Although no arms control agreement is likely to be 100% verifiable, without a standing, independent verification organization the verifiability of the Ottawa Convention is dependent to a much greater extent than other agreements on the commitment and activism of individual states parties. On those with their own independent NTMs will fall the burden of providing evidence of a suspected violation. Such states will also have to summon the political will to make a request for a fact-finding mission. While there is no reason to suppose that such missions will not be staffed with the best experts available, they will not have the cohesion, collective experience and institutional memory that could be provided by a standing inspectorate. These factors make verification of the Ottawa Convention problematic.

The Ottawa Convention has, however, eased the verification problem in one respect: by banning anti-personnel landmines altogether (except for extremely limited permitted purposes), it makes a militarily significant violation much more apparent. On the other hand, the lack of specificity about the number that may be retained for approved purposes makes verification more difficult than for a total ban. It may lead to a similar situation to the Whaling Convention, which permits an unspecified amount of whaling for scientific purposes, a loophole exploited regularly by Japan.

A closer examination of the 'life cycle' of landmines, beginning with research and development and ending in use, reveals a complex picture of varying verifiability.

RESEARCH AND DEVELOPMENT

Research and development (R&D) of weapons, especially that which takes place in closed laboratories, is never easy to verify. In the case of landmines, the technology of the basic weapon is so crude and well known that R&D would, for many producers, be unnecessary. However, as in the case of other weaponry, research has continued into 'improved' types of landmines. Outdoor test sites can be remotely monitored by satellite and aircraft overflights. The former can be accomplished by NTMs without the permission of the target state. The latter would require a global Open Skies regime. Fact-finding missions could seek access to suspected test sites and laboratories, although pinpointing their location in the first place would be difficult.

PRODUCTION

Verification of non-production of landmines is inherently difficult. Manufacture does not require large, sophisticated plants with a particular type of configuration, emission 'signature' or other telltale sign. Satellite or even aerial detection is therefore unlikely. A fact-finding mission would be necessary. Again, the location would have to be known from other evidence, and the inspection organized before production was halted and the plant emptied or dismantled. As in the UNSCOM case, however, such ploys are not always successful and creative on-site inspection techniques might be revealing. Evasion strategies and techniques will raise the costs of production, perhaps to the point where the economic viability of commercial ventures is compromised. Detection of 'homemade' production by non-state actors or non-registered companies will, however, remain virtually impossible.

STOCKPILING

The size and characteristics of declared stockpiles and their destruction, as in the case of chemical weapons, is relatively easy to verify by on-site observers. The difficulty lies in knowing whether all holdings of a particular state have been declared for destruction or whether significant amounts are being secretly withheld. Declaration of numbers and location of landmines that states intend to retain for permitted purposes will at least provide a baseline. Yet it will be impossible to ever verify conclusively that a particular state is landmine-free, given the ease with which landmines may be hidden or covertly re-manufactured. The question then is how significant, in both military and humanitarian terms, hidden stockpiles will be if they cannot be openly used without detection.

TRANSFER

Verification of the non-transfer of landmines is also problematic because of their small size and portability. Normal customs procedures will detect some illicit shipments, but probably no more successfully than for illicit drugs or wildlife smuggling. The landmine problem is simplified by the fact that virtually no legal trade in landmines will be permitted and major producers are likely to end all such transfers. Large-scale legal transfers by major producers have already largely ceased. However, monitoring the black market in transfers will be subject to all the difficulties faced in monitoring small arms transfers in general.

TRAINING

Some verification of training by established militaries is possible, largely by examining military doctrines, training manuals and training sites. Even closed societies find it difficult to conceal such evidence.

USE

The use of landmines, in the sense of planting or distributing them in the field, is relatively easy to verify, but often only once damage has been done in terms of loss of human lives. Satellite and aerial reconnaissance can now detect the laying of minefields and the technology is likely to improve. Since the laying of minefields is usually intended to have a deterrent as well as defensive purpose, it is unlikely to be kept secret for long. The detection difficulty relates more to determining the extent of landmine-laying and the type of mines involved. This is a challenge for mine-clearance efforts rather than verification, since the discovery of just one planted landmine for a non-permissible use would be a violation of the treaty.

Verification of the landmine treaty must also be seen in a wider context, which may extenuate some of the apparently insurmountable difficulties. First, as the anti-landmine norm strengthens and spreads, the need for verification will decline. Landmine use will become rare rather than ubiquitous as at present. Since the ban is virtually total, the Ottawa Convention does not face the problems of the CFE Treaty, for instance, in perpetually keeping track of sizeable permitted numbers and types of weapons allocated to different states parties. The ban is simple and incremental in its implementation.

A second factor that eases the verification problem is the information revolution. Governments increasingly find it difficult to keep information hidden, especially in areas not considered to be high security, which is likely to be the case with landmines. The pervasive use of the internet, e-mail and other instantaneous forms of communication have shrunk time and distance. The laying of new landmines in Kosovo or Senegal can become known globally in minutes. Commercially available satellite imagery and global positioning systems can be used by NGOs to surpass government monitoring efforts.

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A third encouraging factor is the prominence of non-state actors in bringing the treaty to fruition and in sustaining and advancing its implementation. Landmine Monitor, the network of NGOs established by the ICBL and other NGOs, has assumed the task of monitoring implementation of the Convention. Although Landmine Monitor does not purport to be a 'technical verification system or formal inspection regime'¹⁶ and cannot substitute for such a regime, it has already compiled an impressive array of data relating to state compliance, all of it derived from open sources. Luckily, landmines are much better suited to NGO monitoring than, for instance, chemical, biological or nuclear weapons.

The Monitor will be a useful compliment to the United Nations register of states parties' declarations under Article 7. In addition, as a non-official entity, it can publicize alleged violations in a manner that an official body would find difficult. This role would be protected if funding for Landmine Monitor were derived from independent sources rather than, as at present, a select group of western states parties which, although strong supporters of the convention, may at some point not be in full compliance with the treaty themselves.

Conclusions

The Ottawa Convention has been a triumph of alternative diplomacy. It was negotiated and entered into force in record time and has firmly established a norm against the possession and use of anti-personnel landmines in a way that few could have foreseen. To condemn it for its lack of strict, intrusive verification procedures, when to have held out indefinitely for them would have delayed the treaty and cost human lives and limbs, seems churlish. It is difficult to argue that the treaty, with its current verification provisions, has damaged or will damage international or national security. On the contrary, at least for landmine-affected countries, such as Mozambique and Cambodia, full implementation will enhance their security immeasurably by permitting full use of their territory and natural resources and by lowering the human and financial costs of landmine deaths and injuries.

The Ottawa Convention has been a triumph of alternative diplomacy.

Nonetheless, the Ottawa Convention is imperfect and could be improved. Even a modest secretariat, for instance, would give the treaty an institutional voice and create a multilateral vested interest in its effective verification in a way that the United Nations Department of Disarmament Affairs cannot. Routine inspections of declared stockpiles and destruction processes, as well as of conversion or decommissioning of production plants, would be useful confidence-building measures, even if only initiated voluntarily to begin with. Landmine Monitor can continue to meet some of the requirements for global monitoring, but should be supported by an independent trust fund. The best scenario from the point of view of treaty supporters would, however, be for the anti-landmine norm to keep spreading so rapidly towards universality as to obviate the need for improved verification.

Notes

- 1 Nicola Short, *A New Model For Arms Control? The Strengths And Weaknesses Of The Ottawa Process and Convention*, *Disarmament Diplomacy*, March 1998, p. 9.
- 2 Quoted in Rebecca Johnson, *Geneva Update No. 32*, *Disarmament Diplomacy*, January 1997, p. 21.

- ³ Both ICBL and the ICRC made proposals on verification. The ICRC noted that 'compliance monitoring' would be an important element of an anti-personnel landmine regime and suggested that the best method would be for an independent mechanism to investigate credible reports of the use of the weapon. But while supporting the maximum verification of a ban treaty, the ICRC specifically encouraged states not to let this question stand in the way of the basic norm prohibiting anti-personnel landmines (see Susan Maslen, The Role of the International Committee of the Red Cross, in Maxwell A. Cameron, Robert J. Lawson and Brian W. Tomlin, *To Walk Without Fear: The Global Movement to Ban Landmines*, Oxford University Press, Toronto, 1998, p. 91).
- ⁴ Thomas Hajnoczi, Thomas Desch and Deborah Chatsis, The Ban Treaty, in Maxwell A. Cameron *et al.*, *ibid.*, p. 293.
- ⁵ Jim Wurst, Closing in on a Landmine Ban: The Ottawa Process And U.S. Interests, *Arms Control Today*, June/July 1997, p. 15.
- ⁶ An alternative draft submitted by the ICBL would have permitted a party with suspicions of another party to request clarification and receive it within twenty-four days. If the requesting party found the information inadequate, it could request the depositary to convene a team of experts to verify alleged violations.
- ⁷ Jo-Anne Velin, Verification Issue Cleaves Landmine Ban Supporters, *Disarmament Diplomacy*, April 1997, p. 28. If an inspection was approved, the requesting party would pay for the inspection, but if the inspection found a violation the violator would refund the cost. This unusual apportioning of costs was necessary because of the absence of a standing verification organization.
- ⁸ Jo-Anne Velin, Landmines Special Report, *Disarmament Diplomacy*, September 1997, p. 13.
- ⁹ Michael Dolan and Chris Hunt, Negotiating in the Ottawa Process: the New Multilateralism, in Maxwell A. Cameron, *et al.*, *op. cit.*, p. 406. For text see *Arms Control Reporter 1997*, Institute for Defense and Disarmament Studies, Cambridge, MA, 708.B.10-12.
- ¹⁰ Jo-Anne Velin, Landmines Special Report, *op. cit.*, p. 12.
- ¹¹ Harald Müller and Simone Wisotzki, Verification: Between the Desirable and the Feasible, *UNIDIR Newsletter*, no. SI 3/97, Oct. 1997, p. 16.
- ¹² The Brussels meeting from 24–27 June agreed to forward the text, with only minor amendments, to the Oslo negotiation meeting in September 1997.
- ¹³ These included: requiring lot numbers to be given when declarations on types and quantities of landmine holdings were declared; reporting suspected as well as confirmed minefields and types and quantities of mines suspected of being planted; requiring, for the first time, declaration of conversion or de-commissioning of production facilities; inclusion of destruction site details as well as destruction programme details; declaration of types and quantities of all mines destroyed following entry into force.
- ¹⁴ Thomas Hajnoczi, Thomas Desch and Deborah Chatsis, *op. cit.*, p. 301.
- ¹⁵ The Ottawa Landmine Treaty: Analysis and Text, *Arms Control Today*, September 1997, p. 11; and Mary Wareham, Rhetoric and Political Realities in the United States, in Maxwell A. Cameron, *et al.*, *op. cit.* pp. 231–32.
- ¹⁶ Landmine Monitor, *Landmine Monitor Report 1999: Toward a Mine-Free World*, Human Rights Watch, Washington, DC, 1999, p. 1.

The Continuation of the Ottawa Process: Intersessional Work and the Role of Geneva

Steffen KONGSTAD

The way international diplomacy is conducted changed with what came to be known as the Ottawa Process. Responding to a humanitarian imperative and the call for a total ban on anti-personnel mines by the International Campaign to Ban Landmines (ICBL), a coalition of like-minded small and mid-sized countries coupled with civil society was brought together to ban these indiscriminate weapons in record time. This strategic cooperation seized the opportunity provided by the post-Cold War period to approach a humanitarian issue in a different and somewhat untraditional way.

The unacceptability of having “one victim every twenty-two minutes”, with the majority being innocent civilians, galvanized this coalition to achieve what had never before been done. The Mine Ban Convention was historic for several reasons:

- It was negotiated in record time: eleven months from when the challenge was laid down in Ottawa to when the Convention was successfully negotiated in Oslo;
- It entered into force in record time: nine months to achieve the requisite fortieth ratification for the Convention to enter into force on 1 March 1999; and
- It was the first time that a conventional weapon in widespread use had been banned.

The historic nature of this process was reflected in the ICBL, considered to be the driving force behind the Ottawa Process, and Jody Williams, its Co-ordinator, being awarded the 1997 Nobel Peace Prize.

From the beginning the Ottawa Process has been a self-selecting process. A group of some fifty countries that considered themselves as sharing the common goal of a total ban on anti-personnel landmines gathered for the first official meeting of the process in Ottawa in October 1996. At the Diplomatic Conference in Oslo in September 1997 the number had grown — eighty-nine countries negotiated and adopted the Convention on a total ban. Four months later, 122 countries came to Ottawa to sign the Convention. The momentum continued and the Convention entered into force on 1 March 1999, six months after the fortieth ratification and only fifteen months after it was opened for signing. From its start in 1996 to the First Meeting of States Parties (FMSP) in Maputo in May 1999, the Ottawa Process built up and benefited from strong political irresistibility. The self-selecting character of the process made it possible to consistently maintain the desired objective — a Mine Ban Convention that was simple, robust and unambiguous. The process was like a fast-moving train stopping at different stations on its way to a fairly well-defined destination.

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The Core Group

Despite the growing number of participants, the Ottawa Process has been driven by a fairly small group of countries — the so-called Core Group. The early Core Group, which started meeting in late 1996, included Austria, Belgium, Canada, Ireland, the Philippines, Mexico, the Netherlands, Norway, South Africa and Switzerland. In February/March 1997 it expanded with Colombia and Germany, and again in June the same year with Brazil, France, Malaysia, New Zealand, Portugal, Slovenia, the United Kingdom and Zimbabwe.

Despite these enlargements, in reality the Group and the Ottawa Process were largely run by an “inner core” that continued to develop the concepts, objectives and standards in close cooperation with the ICBL, other relevant non-governmental organizations (NGOs) and international organizations (IOs).

The Core Group approach had proven itself to be very efficient during the phases when the movement’s momentum was strong and the process was still in a campaigning mode. The group had the determination, decisiveness and vision required to achieve practical results. The current stage, where the Convention is focusing on practical implementation and universalization, requires a different organization. Even a year before the FMSP, it was clear to the Core Group that it could not continue to function the way it had. It had well served its purpose. Politically, it was undesirable that a small, self-appointed group should continue to direct the process.

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Practically, those individuals who had taken the task upon themselves would move on to other tasks. New countries, people and ideas had to be brought into the process to keep it viable.

Transformation

It was clear that the signing ceremony in December 1997 was not the end of a successful and fast-moving process, but the beginning of the universalization and implementation of the Mine Ban Convention. It was equally clear that it would be necessary to transform the Ottawa Process from its campaign character to a more long-term, practical implementation mode. In order for this ambiguous and strong convention to make a difference in mine-affected communities, it must be translated into reality. In March 1998 Canada organized a workshop in Ottawa on Mine Action Coordination, which provided an opportunity to present initial ideas within the Core Group on how to secure the sustainability of the Ottawa Process. These discussions led to increasingly wider consultations leading up to the FMSP in Maputo.

The conceptual thinking was based on one underlying premise and certain basic objectives. The underlying premise was that to reduce and finally eradicate the tragedies and problems caused by anti-personnel mines one cannot continue to only offer remedies; one has to eliminate the source of the problem — namely the deployment and use of such mines. Consequently, a *total ban* on anti-personnel mines would be the most efficient framework for all future humanitarian mine action. The basic objectives set regarding the future needs and the transformation of the process were:

- preparing for the day when the landmine issue becomes less fashionable;
- reducing ad hoc elements and establishing a more structured way of working;

- compensating for the lack of any organization or secretariat being established by the Mine Ban Convention;
- promoting transparency, openness and inclusiveness for the long-term success of the Convention;
- securing partnerships between mine-affected and other states and between governments and NGOs;
- fostering cost-effectiveness — no significant resources should be spent on new structures instead of mine action; and
- obtaining broad support for the concept through extensive consultations.

Intersessional Work

During the negotiations of the Mine Ban Convention, countries from mine-affected areas held the view that no organization or secretariat as exist for certain disarmament treaties should be established to support the Convention. The widely accepted argument was that the Convention should not reduce the resources spent on mine action. At the same time it became apparent that it was desirable to establish a structure that could facilitate the considerable implementation tasks and obligations given by the Mine Ban Convention. A proposal was developed to hold intersessional meetings in Geneva where one could largely draw on existing resources and the presence of delegations, NGOs, IOs and various United Nations agencies. The idea was to establish a programme that could use already existing resources, be informal and open ended. Later, the then-newly established Geneva International Centre for Humanitarian Demining (GIC) offered to host such meetings and provide the necessary logistical assistance.

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NGOs had played a crucial role in establishing a total ban, not only through their advocacy, but also due to the expertise and insight they could provide from their extensive field experience covering all aspects of mine action. Therefore, it was essential to ensure their full participation. The ICBL and the International Committee of the Red Cross (ICRC) strongly participated within the framework of the Mine Ban Convention. Even in the more formal settings of the Oslo Diplomatic Conference and the FMSP, they participated fully, although without voting rights (not a single vote has been taken so far). Therefore, it would be in accordance with established practice that NGOs play an active role in the intersessional work.

A concept paper on an intersessional work programme was circulated during the first four months of 1999, first within the Core Group, then worldwide in connection with an open-ended meeting in Geneva in April. All countries, relevant United Nations agencies, IOs and NGOs were invited to the meeting. In addition, a large number of countries were consulted individually. Based on these rather extensive consultations, a so-called President's Paper on Intersessional Work was drafted and circulated at the FMSP in Maputo (and later attached to the Final Report as Annex IV). In the paper the following proposal was made: "To consolidate and concentrate global Mine Action efforts to the greatest extent possible and to highlight the role of the Convention as a comprehensive framework for Mine Action, it is proposed that the FMSP consider the establishment of an intersessional work programme. The aim is to organize the work within the framework of the Convention in a way which promotes continuity, openness, transparency, inclusiveness and a co-operative spirit." It was

further proposed to establish informal, open-ended Standing Committees of Experts (SCEs) to focus on key themes:

- mine clearance;
- victim assistance, socio-economic reintegration and mine awareness;
- stockpile destruction;
- technologies for mine action; and
- general status and operation of the Convention.

Standing Committees

The FMSP recognized the importance of having intersessional meetings of SCEs on issues related to the operation of the Convention. The Meeting decided that the President's Paper should serve as a guideline for the intersessional work.

On the organizational modalities for the SCEs, it was decided at the FMSP that they should be co-chaired by a mine-affected and another interested state party. The co-chairmanships will last from one Meeting of States Parties to the next. The co-chairs will be assisted by two rapporteurs. The rapporteurs will assume the role of co-chairs for the following year and will be succeeded by new rapporteurs. Co-chairs and rapporteurs will be appointed by the Meeting of States Parties.

The meetings of the SCEs will normally take place in Geneva and benefit from the practical support of the GIC so that no additional cost are incurred for the states parties or other participants beyond the cost of attendance.

The FMSP even decided the dates for the first meetings of the SCEs. The SCEs on mine clearance and victim assistance held their first meetings in mid-September. The remaining SCEs will meet in December.

With the intersessional work programme well in place, the FMSP has provided the Ottawa Process and the Mine Ban Convention with an instrument that can facilitate inclusivity, engagement, openness and transparency. This machinery aims to ensure the sustainability of the Ottawa Process by making the best possible use of the human, financial and technical resources at our disposal to implement the objectives of the Mine Ban Convention.

It has never been the intention that the SCEs should overlap or replace useful, already existing mine action structures or activities, but rather promote a more coherent and focused approach to mine action. The work of the SCEs should have a practical perspective, but not replace any operational activities, particularly in the field. The intersessional work programme is meant to be largely a political process, open to all interested actors, which will keep the landmine issue on

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the international agenda as long as needed and contribute to the universalization of the Mine Ban Convention.

At the macro level, the intersessional work programme also plays a role in making Geneva a focal point for the international efforts to reduce and ultimately eradicate the devastation caused by anti-personnel mines. It may prove useful and rational to have such a focal point. Geneva has the advantage of having a very broad international presence through diplomatic missions, United Nations

agencies, The International Red Cross and Red Crescent Movement and several relevant NGOs. Geneva represents a good mix of humanitarian, human rights and disarmament expertise.

The establishment of the GIC has also strengthened Geneva's role in mine action. The GIC is not only hosting SCE meetings, but the annual meeting of the United Nations Mine Action Centres from around the world that are directed by the United Nations Mine Action Service (UNMAS). The GIC has a staff of highly skilled experts whose expertise recently was put at the disposal of UNMAS and other agencies in Kosovo.

The political success and widespread support of the Ottawa Process and the Mine Ban Convention could not have been achieved without cross-regional partnerships. Unlike so many other multilateral fora, the Ottawa Process was not hampered or derailed by any North-South polarization. On the contrary, the process has been marked by an extensive pattern of close cooperation between North and South, between different regions and within regions. In addition to the political strength these features have given the Ottawa Process, it is obvious that the ultimate goal of the process — to rid the world of the scourge of anti-personnel mines — can only be achieved by active participation by those who are affected.

It was therefore highly appropriate that the FMSP was held in a mine-affected country. Mozambique has experienced more than most countries the damage caused by these inhumane weapons on people and social structure. It was also chosen in recognition of Africa's crucial role in bringing about a total ban. The FMSP in Maputo was an important political and symbolic manifestation in this respect. For future meetings, however, the States Parties should opt for a permanent, single venue. To organize meetings in different places requires considerable manpower, funds and time — resources that could be spent directly on mine action. The FMSP decided that the next Meeting of States Parties will take place in Geneva. This might set a precedent for future meetings.

Conclusion

The process of transforming the Ottawa Process has so far been carried out successfully. The outcome on the substantive side remains to be seen. It will naturally take some time before the intersessional work finds its way in practice. On purpose, the guidelines for the intersessional work programme and the SCEs are not overly specific. There should be sufficient room for adjusting to needs as one goes along. Flexibility, inclusivity and openness to new practices should continue to characterize this groundbreaking treaty as it evolves.

The early entry into force of the Mine Ban Convention and the large number of countries participating in the process are strong indications that the international community recognizes that a new and international norm has been established. The true success will be when the excellent words of the Convention are translated into reality — a reality that will directly impact millions of people's lives in more than sixty countries around the world.

The intersessional work programme provides a forum for solving questions that may arise in the future. It is an instrument for addressing not only practical and technical implementation issues, but also a continuous political process for promoting universalization of and adherence to the Mine Ban Convention. The Convention provides the framework, and the intersessional work programme is the means to make it a reality.

The intersessional work programme provides a forum for solving questions that may arise in the future. It is an instrument for addressing not only practical and technical implementation issues, but also a continuous political process for promoting universalization of and adherence to the Mine Ban Convention.

It is natural that Geneva is hosting the meetings for the Mine Ban Convention. The Convention and its intersessional work should fit well with the humanitarian traditions of Geneva as evident in the first Geneva Convention as early as 1864. The political and practical conditions are present in Geneva for making a significant contribution towards a mine-free world in the next millennium.

Progress on Mine Action Principles

In late 1997 just before the signing of the Mine Ban Treaty, Handicap International, Mines Advisory Group and Norwegian Peoples Aid published a joint document setting out some basic principles for humanitarian mine action operations (survey, clearance and mine awareness). The principles underlined the concern that these agencies share for the maintenance of a strong humanitarian orientation for mine action — a sector where, nearly every week, someone suggests that after all, it's just an industry.

The three agencies then encouraged the mine action community as a whole to consider future actions in the light of these principles and proposed their support to other organizations — non-governmental (NGO), commercial or otherwise — that took these basic principles into account in planning and implementing their actions. Nearly two years later, in the light of all the intensive evolution of the sector, these principles are worth another look. The question is: What has been done (or not) to translate these principles into action?

THE NEED FOR OBJECTIVE ANALYSIS OF THE REQUIREMENTS OF AFFECTED COMMUNITIES,
AND THE STRUCTURING AND CONDUCT OF OPERATIONS TO MEET THESE REQUIREMENTS

Standardized Level One Surveys in affected countries and the series of United Nations Assessment Missions are two sets of instruments that are filling some of the gaps in our knowledge base about what is really needed. The set up of national mine action programmes in Afghanistan, Cambodia, Angola and Mozambique preceded the Ottawa Accords, and the set up of the Bosnian programme was pretty much coincidental with much of the Ottawa Process. One of the things that went wrong with these — everywhere in different ways — was the assumption that mine action was about mines. This too often led to mine hunts that have sometimes seemed to respond more to the necessity of justifying an existing expensive and heavy capacity than to developing a fully responsive and articulated operation. Experience varies, but for the most part the last few years have been spent trying to bring these into line with a more precise vision both of what the real priorities are, who should profit from the results, and how. Although several national programmes have been put into place since Ottawa, most are moving more carefully these days. The situation in Kosovo is a case in point, where a so-far remarkable degree of cooperation between operators, the United Nations and assistance agencies at all levels is showing immediate and practical results. The Global Level One

Survey programme, an essentially NGO-led initiative, is designed to support practically adapted capacity building. The surveys will serve as an instrument to more clearly define overall community needs through the analysis of social and economic impact, and to assist in the development of mine action capacities adapted to the local threat and context. In complement, United Nations-led assessment missions serve to alert the international community to the needs of affected countries and, at the same time, encourage local government support for possible actions and familiarize them with their own responsibilities and role in making mine action happen.

NGOs are taking the lead in the development of small unit mine action capacities. This is another area where adaptation of operations to threat, as well as community needs, can be better managed and more practically responsive. There is still a need for the large unit model, but this also has a weakness in often being unable to adapt to the measure of the multitude of smaller jobs that, in many cases, will form the majority of the remaining tasks in the longer term. If confronted with a large-scale task, small units can still be combined to deal with it. The remaining stumbling block is the amount of early investment needed to provide proper logistic and security coverage for small unit operations.

The development of small unit operations is also leading to more cross-training of personnel. Many demining units today are skilled not only in manual methods, but also in explosive ordnance disposal, house clearance, and survey and data gathering techniques. This makes the growing number of small unit capacities more polyvalent. In addition, more and more operators are gaining experience — and efficiency — in the integration of dogs and machines with manual capacities, another set of skills that often call for back-up from smaller units. Small units also provide a training advantage and reduce operational time loss. Training in manual demining can be accomplished relatively quickly for either small or large units, however once small units are put to work, complementary and additional training can be accomplished for one or a few small groups at a time while manual operations continue with little loss in overall “production”. On the human scale, experience shows that small units are more easily responsive to local needs. A complete complement of small unit personnel can be recruited from a relatively restrained area. Cultural, geographical and linguistic familiarity with the zone of operations promotes communication and operational efficiency. Small team mobility allows quicker movement between tasks; the small number of people involved makes them less intimidating and promotes better communications with local communities. Finally, although financial and administrative problems can still remain, from the practical point of view, small units may eventually be more easily absorbed into local institutions, taking with them already proven skills and experience to provide effective, punctual and independent interventions that all mine affected countries will need over the long term.

The Bad Honef guidelines, another essentially NGO initiative, concentrate on defining and developing the relationship between mine action and development. This is an area of ever-greater interest to the operational and donor community since one of the overall criteria on which to judge the utility of mine clearance itself is the degree to which what is demined contributes to communities having better access to their environments in conditions of increased security. Beyond the reduced vulnerability and greater opportunity for increased access to the means for survival and production, a developmental orientation for mine operations supports peace building and rehabilitation in countries emerging from conflict. The Bad Honef document, which in recent months has undergone a review, remains an instrument that is too general for concrete application in every case, but should act as an important set of reminders that orient the build-up of local mine action capabilities from emergency operations through rehabilitation and into a phase of capacity integration via local institutions.

THE RESPONSIBLE APPROACH TO THE WELFARE OF PERSONNEL
EMPLOYED BY AGENCIES INVOLVED IN MINE ACTION

The first link of operations to employee welfare is in the strict adherence to proven procedure and operational discipline. The second, deriving from the first, is operator resistance to pressure — from any source — to achieve quantitative results within temporal, financial or material constraints that could compromise operational security or quality of result. A growing number of donor institutions seek to finance demining operations through control instruments and contracts that do not account for the special nature of operational mine action. This can on occasion encourage an environment of commercial opportunism to the detriment of employee security and welfare.

The areas of insurance and pay are fundamental and particularly sensitive. Overall, the sector has responded positively to the need to guarantee compensation and rehabilitation to personnel who risk life or limb in the minefields. Excellent and responsive insurance coverage is now reasonably available and has become a prerequisite for the closing of most operational contracts. The key to responsible management of this is how the degree of danger and the level of coverage are estimated. This seems to remain ad hoc and accessible work is needed on the historical and actuarial realities involved. Mine awareness personnel in the field are being increasingly engaged in preliminary data-gathering and suspected area identification. There is a fine line between this and survey, the latter of which requires a security regime not always available to mine awareness personnel. Insurance coverage for mine awareness field personnel and adequately restrictive standard operating procedures (SOPs) for their activities are not yet universal.

The question of pay must reconcile the need for fair and adequate compensation with the general efforts to control the costs of humanitarian mine action. Unfortunately there are no guidelines and little, if any, coordination in this area. On the technical side it is partly a market issue, but overall the coordination issue is probably the most important. To be blunt, while most NGOs try to match salary to reality and develop a scale that encourages an employee's full attention full-time and also actually feeds his family, the United Nations typically destroys coherence immediately on entering the scene. Faced with the loss of investment in training and time when qualified local personnel (reasonably) depart to the highest bidder, humanitarian organizations are often forced to adopt higher pay scales than would otherwise be necessary. Oddly, the money the United Nations pays so freely comes from the same donors demanding frugality of NGO operators. NGOs are still consulting among themselves on this issue but must do so in an unregulated environment and much work still remains to be done.

Although the furnishing of adequate protective gear for demining personnel is part of every guideline, its actual adoption and use in the field still not universal even in operations essentially supported by those who promulgate the guidelines. Even where available, the technical standard of much protective gear is not adapted to mine threat. Many operators have responded by developing close relationships with the manufacturers of this gear and designing specifically adapted equipment. This dialog is a positive development but there is still no good technical definition of what "adequate" physical protection really means.

Producer-user dialog is particularly developed in the area of metal detection with many practical and technical improvements in hand-held detectors being the result. Adoption of technology to reduce direct danger and ease the task of demining also takes a number of other directions: adoption of cell-phones to replace radios for operational security when the latter can be unreliable is a perhaps less obvious example of this. Brush cutting is time consuming, difficult and dangerous — many deminers spend up to 70–80% of their time engaged in this one activity. Machines to cut brush are

multiplying in the field, adapted to the threat of explosion by the addition of armour and/or operated remotely, and leading to increased security and faster demining.

A COMMITMENT TO THE CONTINUED DEVELOPMENT OF EXISTING METHODOLOGIES

Dogs and machines are being used on a wider scale and on a wider typology of tasks than ever before. NGOs are at the forefront of development of reliable certification methods to render dog use more sure. In machine use, there is a growing tendency for closer dialog between operators and equipment developers. Another area that is developing is the complement of NGO and commercial competencies where certain special capacities, too expensive or heavy to maintain in a single humanitarian operation, can nevertheless be obtained and used through a contractual relationship. There are a number of examples of this regarding the use of both dogs and machines, and it can be an efficient option for effective humanitarian mine action.

A REALISTIC AND OBJECTIVE APPROACH TO NEW MINE CLEARANCE TECHNOLOGIES AND METHODOLOGIES

Most efforts to develop or introduce new technology for humanitarian demining now attempt to bring “end user” input into the exercise from the beginning. A number of NGOs are involved in international and private sector financed development initiatives. This allows developers to have real-time feedback and reality checks as well as facilitated access to testing in field conditions, while it also allows end users — including NGOs — to better understand both the development process and the true capabilities of the new technologies. Multilateral initiatives such as the European Commission’s Esprit Programme are probably the best way to channel efforts toward what is most likely to work the soonest on the actual tasks at hand. NGOs will continue to be involved in this process.

THE NEED TO AVOID IMPRACTICAL, “QUICK-FIX” SOLUTIONS

Silver bullet and blue-sky salesmen persist on the scene but, overall, there appears to be a lessening of the number of claimants having *the* gadget for 100% no-pain demining. Subtler forms of quick fix are perhaps a greater danger today. From a humanitarian point of view, one example is the “mark and forget” idea. This one says that, after all, some mined areas are actually of no use to anyone, so therefore it would be acceptable just to fence them off. The ultimate excuse is that “someone will do it when the time comes”. This “someone” is generally assumed to be the eventual local capacity, however, no one is ready to explain how marking will be maintained for years to come, nor exactly what capacity will remain to undertake clearance in the future. It is an important question, still to be resolved, as to whether the “mark and forget” alternative actually corresponds to the commitment of the states parties to address their remaining mine problems over the next ten years.

A COMMITMENT TO THE CONTINUAL IMPROVEMENT OF QUALITY

The standard of quality mine action expected has never really changed from 100%. Although an operator can still be considered competent if he reaches only 99.6%, it is assumed that it would be desirable that the same operator will still clear up the 4 in 1,000 that he missed. What is developing now are the means for more consistent quality controls and assurance. The terms controls and assurance are often confused with each other, but the overall objective of both activities (and they are separate activities) is the analysis of operational actions and results in order to close off avenues to and opportunity for error. Clear and complete SOPs, effective training, qualified technical staff, dependable maintenance and logistic chains, and equipment adapted to the task, plus the use of alternative technical interventions (for example, dogs and machines) are all elements that most operators are able to maintain. However, these elements remain vulnerable to subjective judgement and there is still a way to go towards unambiguous standards.

On the output side, several initiatives are already underway to develop dependable indicators that can quantitatively and qualitatively measure progress. Such indicators will be welcome as a way to keep operations on track but we also need to be aware of the danger of instituting a regime of absolutes that would encourage comparison of operations without consideration of dissimilar contexts, capacities and environments.

The integration of mine clearance, mine risk education and survey with development and emergency assistance is now better understood but not yet universally implemented. Improved indicators and better coordination are helping to improve the quality of service rendered both to communities and to other assistance actors. To establish a sort of base line and draw lessons from experience, past mine action operations in several countries are now being reviewed to see how cleared land has been used and how to assure equitable access to future demined land and infrastructures for the most vulnerable.

Cooperation and facilitation among the various state, institutional and operational actors remains a crucial area for improvement. Despite advances at some levels, the administrative and practical implementation of mine action is often fraught with frustrating and ultimately costly blockages and delays. This is a key area where states and institutions must take a more proactive role.

THE NEED TO SUPPORT THE TRANSFER OF COMPETENCE TO AFFECTED POPULATIONS

The basic guarantee of non-substitution is hiring, training and utilization of local personnel, and continuing training to develop qualified personnel for management, supervision, training and administration of longer-term programmes. As one example (and there are many others) nearly all of the major mine action programmes in Mozambique, formerly operated directly through NGO or United Nations staff, now operate with little or no expatriate presence. In Bosnia and in southern Sudan, local specialized mine action NGOs have been set up which now routinely conduct operations to international standard at the service of their own communities.

Technical assistance to national institutions continues to be another important aspect of transfer of competence. Such assistance can be operational, but NGO input tends to be in the management areas and in specialized sub-disciplines such as mapping and database development.

Conclusion

There are, obviously, areas of linkage among many of the principles (and the concerns and work that goes into applying them) that this document has no space to explore. Nor can every improvement or concern be covered here. However, the complexity of concern and result should be evident enough to underline the necessity for operators and those who support their efforts to maintain a continued open dialog. While remaining concrete and practical, such dialog must also take into account and insist on the ethical elements that make mine action an ultimate expression of humanitarian engagement.

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After The Mines Are Cleared

Let me begin with a story. It is a true story told by Keth Sokleng of Cambodia. “I was born in 1970 in Kandal Stung and today I am the eldest girl among ten brothers and sisters. During the Pol Pot era, my parents fled with me to Battambang where we struggled to survive. In 1979, we returned to Srok Kong Pisey in Kompong Speau where my father worked as a policeman, my mother started farming and I went to school in 1981.

Until one day, I went to collect water for my family. Boom! I suddenly felt as if lightning had struck right inside of me. I had stepped on a landmine and both of my legs were gone. I was 12 years old.

I was taken to the Monks Hospital for two months. My parents helped me very much, but I had lost hope in life. When I went back to my village in Kandal Stung, I had no legs and no wheelchair. I was unable to go to school and stayed home for thirteen years. I was too ashamed of my body even to go to the Khmer New Year party or any other celebration. When my brothers and sisters came home from school, I tried to learn their lessons in the evening. It was a very sad time for me.

A turning point in my life came when Cambodia Trust visited our village. They had artificial legs made for me, which gave me hope. But it was so painful to learn how to walk, my legs bled and I cried with pain. Within a year, I could walk well ... but what next? Shortly after, I was approached by a teacher, Yeth, from the Centre of The Dove, a JS [Jesuit Service] training centre. He asked me if I wanted to learn. “Learn what?” I said. Sculpture, sewing, carpentry, weaving or electronics. Wow! I chose electronics. At first, it was difficult because I had attended school for only one year, but after nights of hard work, I succeeded. I was also taught home gardening, and made many friends, disabled like myself. On graduation night I danced, my legs actually danced, and I was so happy!

My hopes ran high, but at the same time, I wondered ... what will I do when I leave, how will I earn a living? Will the people believe a person without legs can mend a television? The answer to

these questions came when I was asked to become the leader of the new girl students at the vocational centre. I accepted. During school hours, I mend television sets and learn more, and after school, I have a job, advising and helping the other girl students injured by mines or polio.”

Keth Sokleng is a miracle of grace and charm from a village that is now cleared of mines. It is a village like many in Banteay Meachey, Siem Reab and Battambang where the mine clearers have been. There are still many, many other villages and areas waiting for the mine clearance teams. Within these villages are men, women and children disabled by mines — they are the most obvious victims of mines — but everyone in a mine-affected community is a victim of the results of these “hidden killers”.

Recent interviews of disabled people from many of these communities reveal that:

- 9% have no house;
- 68% have no house that keeps out the rain;
- 60% have not sufficient food throughout the year;
- 30% have no water of any kind within five minutes of their house;
- 47% of children of the disabled do not go to school;
- 63% have no job as workers or farmers; and
- 49% have no land.

After the mines are cleared there is still much needed if the hearts, minds and bodies are to be disarmed, and dignity and reconciliation are to be restored. Poverty, a direct result of war, landmine infestation and aid blockade of a country victimized by proxy-war tactics, must be alleviated. How can these victims be assisted?

A group of Cambodian mine victims and companions working together reflected on their situation and on the living conditions of mine-affected villages. They talked to people, asked their opinions and suggestions, and from the data devised a list that would indicate if landmine victims had enough to live in simple dignity. Additionally, the group suggested some basic and practical suggestions for each indicator to help move from today’s reality to their vision of a better future.

Through working together to implement these suggestions and to gather the “victims” inside a circle of friendship, they hoped that the mental health of those who suffered from mine or war trauma would be strengthened using traditional ways appropriate to the world view and belief systems of Cambodia.

Success Indicators and Suggestions For Mine/War-Affected Communities and Disabled Mine Victims

1. Mine victim/disabled villager has a *house* that shelters the family from the weather:
 - Provide housing material;
 - Organize village groups to repair and build houses;
 - Train disabled carpenters; and
 - Provide mosquito nets, blankets, etc. to the most vulnerable.
2. Mine victim has enough *food*:
 - Provide emergency food supplies (rice, protein, etc.);

- Distribute vegetable seeds;
 - Organize rice banks;
 - Teach multipurpose small gardening; and
 - Help organize food security guidelines for whole village.
3. Mine victim has access to water for drinking and cleaning that is *no more* than five walking minutes from his/her house:
 - Community ponds;
 - Community wells;
 - Roof drainage; and
 - Water storage.
 4. Children have access to school and adults to learning opportunities:
 - Tricycles for disabled children;
 - Family support;
 - School books and supplies;
 - Village learning centres, literacy classes, agriculture;
 - Mobile libraries;
 - Build village schools with access for disabled;
 - Scholarships for high school and university;
 - Skills training; and
 - Resources for teachers, in-service training.
 5. Family has access to primary health service within one hour of available transport and ability to get necessary medicine:
 - Build village clinics;
 - Volunteer doctors for mine-affected areas;
 - Family support;
 - Malaria prevention;
 - Resources for village health workers;
 - Transport for mine victims and other emergencies;
 - Surgical assistance for new mine victims; and
 - Follow-up assistance for old injuries.
 6. Victims have access to *income generating possibilities* sufficient to sustain the basic expenses of their families:
 - Appropriate skills training;
 - Productive farming training and resources;
 - Revolving grants for start up of small businesses; and
 - Encouraging investment in rural areas.
 7. There are *no mines left* in the housing, farming and recreational areas of the village:
 - Advise village leader/mine clearance agencies if mines are seen in village;
 - Advise the Cambodian Mine Action Centre about mine stockpiles in village;
 - Lobby for funds for demining village; and
 - Join commission overseeing destruction of stockpiles.
 8. Villagers deprived of land due to war and mines receive *title to available demined or other land*:
 - Advocacy about need for land;

- Monitoring demined land;
 - Mine victims join lobby and decision groups on demined land; and
 - Support land titling process in Cambodia.
9. Handicapped victims have *access to prosthetics*, wheelchairs, etc. and follow-up service appropriate to their injury:
- Provide and distribute wheelchairs, prosthetics, assistive devices, hearing aids, resources for the blind;
 - Follow-up family support; and
 - Peer counselling.
10. *Roads to markets, water control systems* are available to the village:
- Food for work programmes;
 - Community service; and
 - Suggest mixed groups of demobilized soldiers and civilians work on road building.
11. Villagers and *disabled help one another* or work together on common projects, participate in decisions that affect their lives, and be involved in social/cultural events of village:
- Disabled as leaders of village projects;
 - Community service groups, self-help groups (disabled and able together); and
 - Community sports/recreation/cultural events.
12. Villagers are *aware of the danger* of mines and do not use or tamper with mines/UXO for income generation or any other purpose:
- Mine signs in danger areas;
 - Mine education in village schools and village meeting areas;
 - Encourage villagers to report existence of mines in their village areas;
 - Parents educated to teach their children; and
 - Video clips, visual material in mobile libraries.

Different people interviewed had various opinions about which indicator was the top priority. Tun Channareth, International Campaign to Ban Landmines Ambassador, says having a piece of land is the most important thing for a disabled villager and his/her family. He thinks that demined land must be made available to the people who have been deprived of land by war, mines and displacement for years and years. Governments and mine clearance teams must ensure that land cleared with humanitarian aid funds helps these deprived because of war and mines. That the powerful in the army, police or government gain more wealth and power through demining aid is a travesty of justice.

Keth Sokleng asks that children have a school to go to and the means to get there. So Cha, with six children sitting in a small hut with rain pouring through, just asks for enough food to feed her children.

So these are the needs expressed by voices from the field, those most affected by the laying of mines. From the experts in trauma counselling, we learn that recovery goals include to:

- Restore safety;
- Enhance control;
- Reduce fear and anxiety;

- Restore attachment and connection;
- Offer emotional support and care;
- Reduce excessive shame and guilt;
- Restore meaning and purpose of life; and
- Restore dignity and value.

After the mines are cleared, the people of mine-affected communities see they need to do many things to make a place where they can live in dignity and safety. Many tasks they can do together. With the assistance of friends, organizations and donors who want a world where children are free from mines and also free to dance and shout for joy they can do much more.

By giving the kind of assistance suggested in this twelve-point plan, governments, former producers of landmines and people of good will have a chance to be part of cooperative compliance with the Ottawa Mine Ban Treaty, and to help transform the lives of people like Keth Sokleng.

Denise Coghlan

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The Costs of Disarmament

In order to present the cost-benefit analysis of disarmament, UNIDIR proposes to take key countries as examples and carefully research what their commitments to disarmament treaties means to them in terms of financial and resource costs. In addition, the project will try to ascertain what each country perceives are the benefits brought to them through their participation in the agreements and whether there is consensus that there is a net gain to the state in question. The aim of the project is to achieve a better understanding of the costs and benefits of disarmament agreements with a view to assisting policy-makers decide how money is spent on such commitments, which budget lines are best structured to handle such spending and how states could approach this aspect of negotiations in the future.

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Peace-building and Practical Disarmament in West Africa: Stimulating National Research

Under the heading of disarmament, development and conflict prevention, UNIDIR is currently developing a number of initiatives to promote peace and security in West Africa. UNIDIR's work in this region began with a conference co-hosted with the United Nations Development Programme

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(UNDP) in Bamako, Mali in November 1996. The Government of the United Kingdom has generously contributed to this project.

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Information Technology Warfare

As part of the response to General Assembly resolution 53/70 on “Developments in the field of information and telecommunications in the context of international security”, the Department of Disarmament Affairs and UNIDIR held a discussion meeting in Geneva on 25 and 26 August 1999. The meeting was attended by over seventy participants from more than forty countries.

The meeting aimed to raise awareness among Member States of security issues relating to developments in Information and Communications Technologies (ICT) and to initiate multilateral dialogues. The workshop provided the first forum of its kind at this level for governmental and non-governmental experts to discuss these issues. A conference report is being prepared.

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Peace-keeping in Africa: Meeting the Growing Demand

This project examines current efforts to develop African capacities to undertake peace-keeping and peace enforcement operations. The project will analyze the reasons for the United Nations Security Council’s growing tendency to sub-contract the promotion of peace and security to others and will pay particular attention to regional and sub-regional organizations. It will also review Western and African attempts to make “burden-sharing” work and propose policies to strengthen peace-keeping in Africa. Particular attention will be paid to capacity-building efforts of the United Nations and regional and sub-regional organizations. UNIDIR will publish the project’s conclusions as a monograph.

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UNIDIR Handbook on Arms Control

UNIDIR is producing a handbook that will explain the major concepts and terms relating to arms control. The handbook will be used as both a primer for an audience with limited familiarity with arms control and as a reference for students, scholars, diplomats and journalists who are more experienced in arms control matters.

The handbook will be organized as a thematically structured glossary of approximately 200 terms relating to arms control. Each term is situated within its wider context so that, on the one hand, a specific term can be looked up quickly, and on the other hand, an entire issue can be covered. Cross-references to other terms and concepts will point the reader to relevant related issues. The researcher designing and drafting the handbook will be assisted by an editorial committee consisting of regional and arms control experts.

The handbook will be published in 1999, in English and Arabic. It might be translated into other languages at a later stage.

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Expert Group on Ammunition and Explosives

The Expert Group on Ammunition and Explosives was established by the Secretary-General pursuant to operative paragraph 3 of resolution 52/38J on "Small Arms". This group, chaired by Ms. Silvia Cucovaz (Argentina) held its first meeting at the invitation of the Department of Disarmament Affairs in New York on 27 April–1 May 1998. Two of the eight members of the Study Group are from UNIDIR: Dr. Christophe Carle and Lt.Col. Ilkka Tiihonen.

The Group's task was to assist in the preparation of the Secretary-General's report, to be submitted to the 54th session of the General Assembly. The final report is available on the webpage of the Department of Disarmament Affairs (www.un.org/Dept/dda/DDAHome.htm).

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Fissile Materials

In April 1999, UNIDIR published *Fissile Material Stocks: Characteristics, Measures and Policy Options* by William Walker and Frans Berkhout. The publication is intended to support the Conference on Disarmament in its thinking on the range of options available to deal with stocks of fissile material. Additionally, in early 1999, UNIDIR commissioned a report on fissile material inventories to provide an up-to-date account of fissile materials, assess national policies related to the production, disposition and verification of fissile materials, and identify facilities and locations which might be subject to safeguards under a treaty.

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Forming a North-South Alliance to Address Current Problems of Biological Warfare and Disarmament

The first conference of this project, "Biological Warfare and Disarmament: Problems, Perspectives, and Possible Solutions," held at the Palais des Nations in July 1998, brought together people with a wide range of academic and career backgrounds — scholars in international law, political science, economics, history and the biological sciences, members of non-governmental organizations committed to disarmament and the peaceful development of the biological sciences, and specialists on the Biological Weapons Convention — to address current dimensions of the biological warfare problem. A goal of the conference was to achieve broad geographical, and especially non-western, representation and to provide a space where non-western perspectives could be seriously presented and discussed. The conference ranged broadly over the history and politics of biological warfare and disarmament, encompassing such questions as the recent history of biological warfare, the impacts of the United Nations Special Commission inspections of Iraq and their implications for the biological weapons regime, the influence of the pharmaceutical and biotechnology industries on the regime, and the role of nuclear weaponry in shaping the regime. These questions are also explored in a symposium, drawing on selected conference papers, published in the March 1999 issue of *Politics and the Life Sciences*. More general legal, political and social dimensions of the biological warfare problem will

be addressed in a book in progress. The project is supported by the John D. and Catherine T. MacArthur Foundation, the Ford Foundation, the New England Biolabs Foundation and the University of Michigan.

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UNIDIR Disarmament Seminars

UNIDIR occasionally holds small, informal meetings on various topics related to disarmament, security and non-proliferation. These off-the-record gatherings allow members of the disarmament community, missions and NGOs to have an opportunity to discuss a specific topic with an expert. Topics covered thus far in 1999 include fissile materials, the prevention of war, peace-building in West Africa, reducing nuclear dangers, and biological and chemical weapons programmes. Speakers at recent meetings have included William Walker, Ambassador Jonathan Dean, Michael Krepon and Peter Batchelor.

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DATARIs

In cooperation with SIPRI (Stockholm International Peace Research Institute), UNIDIR has developed an on-line database of research institutes and projects around the world. The database can be accessed through UNIDIR's website and institutes can update their information via a password.

If you would like for your institute to be included in DATARIs, please contact:

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The Transfer of Dual-Use Outer-Space Technologies: Confrontation or Cooperation?

The right of every state to develop outer-space technologies, such as launching capabilities, orbiting satellites, planetary probes or ground-based equipment, is in principle unquestionable. In practice, however, problems arise when technology development approaches the very fine line between civil and military applications, largely because most of the technologies can be used for dual purposes. This dichotomy has raised a series of political, military and other concerns that affect the transfer of outer-space technologies in different ways, particularly between established and emerging space-competent states. Accordingly, for many years several states have sought ways to curb the transfer of specific dual-use outer-space technologies, specifically launcher technology, while still allowing some transfer of these technologies for civil use. The results of this research will be published by UNIDIR.

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Geneva Forum

Together with the Programme for Strategic and International Security Studies of the Graduate Institute of International Studies and the Quaker United Nations Office, UNIDIR organizes an ongoing discussion series called Geneva Forum. Thanks to the generous support of the Government of Switzerland, Geneva Forum focuses on issues related to small arms and light weapons. Invited speakers will deal with specific thematic and/or regional dimensions of the issue. Geneva Forum is an occasional seminar held at the Palais des Nations that addresses contemporary issues. The series targets the local missions and organizations in an effort to disseminate information on a range of security and disarmament topics. The series seeks to act as a bridge between the international research community and Geneva-based diplomats and journalists.

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PUBLICATIONS

Fissile Material Stocks: Characteristics, Measures and Policy Options

In 1998, on the basis of the Shannon Mandate, the Conference on Disarmament (CD) established an ad hoc committee for negotiating a fissile materials treaty. The treaty is intended to achieve a ban on the production of fissile materials for military purposes in a non-discriminatory, multilateral and internationally verifiably manner. Stocks of fissile materials have accrued transnationally due to armament and disarmament processes, as well as to civil uses of nuclear power. However, very little is known in the public domain about the nature, size and whereabouts of such stocks, and the complexities surrounding their regulation and control. UNIDIR's report on fissile material stocks seeks to begin to redress this problem by providing factual background information on all of these important matters. The report categorizes and quantifies fissile material stocks, and examines the measures which have heretofore been developed regarding their control and management. The report also includes an overview of broad policy options available to states in addressing the stocks issue, which could prove valuable in informing negotiations in the CD.

Fissile material stocks: function, scale and distribution

Characterization by type of inventory

The scale, type and location of fissile material stocks

Measures relating to fissile material stocks: recent developments

Military inventories: continuing absence of international regulation

Transitional inventories: towards regulation and disposition

Civil inventories: the extension of transparency

Policy strategies and options

Stocks and the FMT: possible diplomatic approaches

Possible measures for reducing risks posed by fissile material stocks

Fissile materials and their production processes

International safeguards and physical protection

William Walker and Frans Berkhout

Sales no. G.V.E.99.0.15

ISBN 92-9045-131-9

Sensors for Peace

United Nations peace operations have a tradition of several decades, and their scope and importance has increased markedly since the end of the Cold War. Peacekeeping operations, both of the traditional and the extended type, comprise monitoring tasks as a central part of their mandates. Agreements or resolutions, whether they demand withdrawal behind a cease-fire line, keeping a buffer zone demilitarized, or banning heavy weapons in control zones or safe havens, require that compliance is checked reliably and impartially. The more comprehensive the monitoring, the more likely the compliance. In practice, however, monitoring duties often require the surveillance of such large areas that United Nations peacekeeping units cannot provide continuous coverage. Thus, peacekeeping personnel are permanently deployed only at control points on the roads or areas deemed most sensitive. Minor roads and open terrain are covered by spot-check patrols. This creates many opportunities for infractions and violations.

Unattended ground sensor systems allow all this to change. Unattended ground sensors are suited to permanent, continuous monitoring. They can be deployed at important points or along sections of a control line, sense movement or the presence of vehicles, persons, weapons, etc. in their vicinity and signal an alarm. This alerts peacekeepers in a monitoring centre or command post, who can send a rapid-reaction patrol immediately to the site to confront the intruders, try to stop them, or at least document the infraction unequivocally.

Unattended ground sensor systems generally have not been used in peace operations. Thus, the wider introduction of unattended ground sensor systems in future United Nations peace operations requires fresh study from operational, practitioner, system design and legal perspectives. *Sensors for Peace* is an excellent first look at this timely issue.

Introduction — *Jürgen Altmann, Horst Fisher & Henny J. van der Graaf*

The Use of Unattended Ground Sensors in Peace Operations — *Henny J. van der Graaf*

Questionnaire Answers Analysis — *Willem A. Huijssoon*

Technical Potentials, Status and Costs of Ground Sensor Systems — *Reinhard Blumrich*

Maintaining Consent: The Legality of Ground Sensors in Peace Operations — *Ralph Czarnecki*

Conclusions and Recommendations — *Jürgen Altmann, Horst Fisher & Henny J. van der Graaf*

Jürgen Altmann, Horst Fischer and Henny J. van der Graaf

Editors

Sales No. G.V.E.98.0.28

ISBN 92-9045-130-0

Non-Offensive Defence in the Middle East?

Non-offensive defence (NOD) emerged as a proposed remedy to the military security problems of East and West during the latter part of the Cold War. Grounded in the notion of “cooperative security”, NOD is premised on the postulate that states in the international system are better off pursuing military policies which take account of each other’s legitimate security interests than they are in trying to gain security at each others’ expense. Competitive military policies which seek to achieve national security through a build-up of national military means, may well be counter-productive and leave states more insecure. Seeking to procure national military security through a build-up of national armaments raises suspicions as to the purpose of these armaments, which in turn trigger countervailing armament efforts which ultimately lower the level of security for all. By making the defence of domestic territory the sole and clear objective of national military policies, NOD aims to strike a balance between the imperatives of ensuring adequate national military security and of avoiding provocation.

NOD aims towards national military defences strong enough to ensure adequate national military security, but not strong enough to be seen as threatening by others. The provision of adequate yet non-threatening military defence can be highly useful in a region such as the Middle East where political and military confrontations are inextricably linked, and where political settlement in the absence of military security is inconceivable. In the Middle East, NOD could reduce prevailing military tensions and open the way for broader political arrangements on the future of the region.

The introduction of NOD in the Middle East would not require that all Middle Eastern states adopt the same NOD model. Rather, each Middle Eastern state can select the particular NOD model most suitable to its requirements.

Non-Offensive Defence in the Middle East — *Bjørn Møller*

Non-Offensive Defence in the Middle East: Necessity versus Feasibility — *Ioannis A. Stivachtis*

Cooperative Security and Non-Offensive Defence in the Middle East — *Gustav Däniker*

Non-Offensive Defence and its Applicability to the Middle East: An Israeli Perspective —
Shmuel Limone

Bjørn Møller, Gustav Däniker, Shmuel Limone and Ioannis A. Stivachtis

Sales No. G.V.E.98.0.27

ISBN 92-9045-129-7

The Implications of South Asia's Nuclear Tests for Non-proliferation and Disarmament Regimes

On 7 and 8 September 1998, UNIDIR held a private, off-the-record meeting on *The Implications of South Asia's Nuclear Tests for the Non-proliferation and Disarmament Regimes*. This "track one and a half" meeting was designed to address the needs of policy-makers — governmental and non-governmental agents — in their assessment of the impact of the nuclear-weapons tests carried out by India and Pakistan in May 1998. The governments of Australia, Denmark, Italy, Norway, New Zealand and the United States generously sponsored the meeting.

More than fifty people from over twenty-five countries attended the conference. Each participant attended in his or her personal capacity as an expert and not as a representative of a country or a NGO. At the end of this two-day meeting, there was general agreement among participants that neither India nor Pakistan had enhanced its own security or international status by conducting the tests, but that the risk of nuclear war in the region is now greater. Also, it was recognized that the NPT and the CTBT had been in difficulty prior to the tests, although they remained the best solutions available to reduce potential for further conflict and therefore remained crucial. Finally, many participants expressed their concern that if India and Pakistan were rewarded in any way for demonstrating their nuclear capabilities, this may cause some NPT members to reassess their membership in the regime.

International response to the nuclear tests in South Asia was inadequate: there is a need for more coherent and collective action. Participants focused on practical suggestions to policy-makers to reduce the risk of war; to save the non-proliferation and nuclear arms control regimes; and to anticipate the effects of the tests on areas of regional tensions, particularly the Middle East.

The Responses to the Tests

Causes of the Tests

Consequences of the Tests

Regional Security

Consequences for Non-Proliferation and Disarmament

Damage Limitation

Developing the Non-Proliferation and Disarmament Agenda

Conclusions and Policy Options

Main Summary

Prevention of Nuclear War

Saving the Non-Proliferation and Arms Control Regimes

The Effects on Regional Tensions, Especially in the Middle East

GE.99-00415
UNIDIR/99/2

A Peace of Timbuktu: Democratic Governance, Development and African Peacemaking

Mali is admired for two recent accomplishments. The first is the country's transition to democracy, which took place in 1991–1992. This effort included the overthrow of Moussa Traoré's twenty-three year military dictatorship on 26 March 1991 — a process of military and civilian collaboration which fostered national reconciliation, a referendum for a new constitution, and elections which brought to power Mali's first democratically elected president, government and legislature. The second achievement is the peacemaking between the Government of Mali and the rebel movements in the northern part of the country: this process successfully prevented the outbreak of civil war and presents useful lessons in preventive diplomacy for the international community. The peacemaking culminated in a ceremony known as the Flame of Peace, when rebel weapons were incinerated in Timbuktu on 27 March 1996. This study of the events surrounding the uprisings in the North of Mali and the measures which restored peace (and those which will maintain it) is the result of a collaboration between the United Nations Development Programme and the United Nations Institute for Disarmament Research.

This peace process was remarkable for the way in which the United Nations agencies were able to help, discreetly dropping oil into the machinery of peacemaking. For a cost of less than \$1 million, the United Nations helped the Malians to avoid a war, and lit the Flame of Peace. With less than \$10 million, the United Nations became the leading partner of Mali's Government and civil society, in peace-building, disarming the ex-combatants and integrating 11,000 of them into public service and into the socio-economy of the North through a United Nations Trust Fund. The experience shows that not only is peacemaking better than peace-keeping, but that it is much cheaper.

A Peace of Timbuktu includes in-depth coverage of the following topics:

- Mali's History and Natural Environment
- The Build-up to the Crisis in Northern Mali
- The Armed Revolt 1990–1997
- Peacemaking and the Process of Disarmament
- The International Community as a Catalyst for Peace
- Ensuring Continued Peace and Development in Mali
- The Flame of Peace Burns New Paths for the United Nations

United Nations Secretary-General Kofi Annan has written the preface. The book includes maps, texts of relevant documents and laws, and a bibliography, as well as photographs by the authors and peace drawings by the children of Mali.

Robin Edward Poulton and Ibrahim ag Youssouf

Sales No. G.V.E.98.0.3

ISBN 92-9045-125-4

Updated second edition now available in French

Nuclear-Weapon-Free Zones in the 21st Century

The establishment of nuclear-weapon-free zones (NWFZs) through the initiative of regional parties, approved by the United Nations General Assembly, and endorsed by the relevant external states, is an important contribution to non-proliferation, disarmament and, above all, to international security.

Jointly with OPANAL (The Organization for the Prohibition of Nuclear Weapons in Latin America and the Caribbean) and the Government of Mexico, UNIDIR convened an international seminar on “Nuclear-Weapon-Free Zones in the Next Century” in Mexico City on 13–14 February 1997 — the thirtieth anniversary of the Treaty of Tlatelolco’s opening for signature. This book analyzes the role of the Treaty of Tlatelolco as the first effective expression of a NWFZ in a densely inhabited part of the globe. It also covers other NWFZs (existing or proposed). The relationship between NWFZs and peace processes, as well as cooperation among existing NWFZs, is also noted.

- Towards the Consolidation of the First NWFZ in the World — *Sergio González Gálvez*
 Precursor of Other NWFZs — *Enrique Román-Morey*
 Tlatelolco and a Nuclear-Weapon-Free World — *William Epstein*
 Actual Projection of the Treaty of Tlatelolco — *Jorge Berguño Barnes*
 Major Paradigms of International Relations — *Luis Alberto Padilla*
 Precedents and Legacies: Tlatelolco’s Contribution to the 21st Century — *John R. Redick*
 The Treaty of Rarotonga — *Makurita Baaro*
 The Pelindaba Treaty — *Isaac E. Ayewah*
 The Bangkok Treaty — *Arumugam Ganapathy*
 A Nuclear-Weapon-Free Space in Central and Eastern Europe — *Alyaksandr Sychou*
 A Possible NWFZ in Central Europe — *Michael Weston*
 NWFZ in the Middle East — *Nabil Elaraby*
 Middle East: Future Perspectives — *Yitzhak Lior*
 Central Asia: Future Perspectives — *Jargalsaihan Enkhsaikhan*
 Denuclearization Efforts on the Korean Peninsula — *Seo-Hang Lee*
 South Asia and the Korean Peninsula — *Kim Chan Sik*
 Towards the Zero Option in Nuclear Weapons? — *Thomas Graham, Jr.*
 A World Free of Nuclear Weapons in the Year 2020 — *Antonio de Icaza*
 The Role Carried Out by the Zones Exempt from Nuclear Arms — *Joëlle Bourgois*
 Strengthening of OPANAL: New Challenges for the Future — *Héctor Gros Espiell*

Péricles Gasparini Alves and Daiana Belinda Cipollone

Editors

English
 Spanish

Sales No. GVE.97.0.29
 Sales No. GVS.97.0.29

ISBN 92-9045-122-X
 ISBN 92-9045-124-6

Increasing Access to Information Technology for International Security

The European security landscape is undergoing a profound transformation at present, and there is an increasing need to improve mutual understanding of regional security issues in a rapidly changing world. Institutes and related organizations working in the field of international security have an important role to play in this regard.

This book contains a forward-looking appraisal of how information technology can best serve institutes and the security dialogue. It addresses issues such as how to promote concrete cooperation between research institutes in Europe and North America. Of particular importance is the appraisal of present and prospective demands for cooperative ventures between and among institutes in Europe, the United States and Canada. It also provides insight on how to put together intellectual, human, material and financial resources to foster cooperation, notably in the identification of partners, information needs, connectivity issues and fund-raising strategies. In this respect, a number of innovative recommendations are made in a plan of action to increase cooperation in the late 1990s and well into the next millennium.

- Assessing Partnership Initiatives — *Andreas Wenger & Stephan Libiszewski*
Identifying the Needs of International Organizations — *Anthony Antoine & Gustaaf Geeraerts*
Increasing Interregional Exchanges and Partnerships — *Seyfi Tashan*
Information Needs and Information Processing in International Security — *Gerd Hagemeyer-Gaverus*
A New Approach to Conflict Prevention and Mediation Processes — *Albrecht A. C. von Müller*
A European Information Network on International Relations and Area Studies — *Dietrich Seydel*
Appraising the Status of East/West Connectivity Problems — *Zsolt Pataki*
The Need to Improve Basic East-West Computer Equipment and Supplies — *Christoph Reichert*
Connectivity Issues: Political and Financial Constraints — *Edward Ivanian*
American and European Foundations: A Stock-Taking — *Mary Lord*
Assessing International Grant Making by US Foundations — *Loren Renz*
European Fund-Raising: Innovative Cooperation Schemes — *Xavier Pacreau*
Assisting the Development and Consolidation of Democratic Security — *Francis Rosentiel*
Preparing Tomorrow's Research Establishments — *István Szönyi*
Joint Research Activities: The Bulgarian Experience — *Sonia Hinkova*

Péricles Gasparini Alves

Editor

Sales No. GV.E.97.0.23

ISBN 92-1-100759-3

The Transfer of Sensitive Technologies and the Future of Control Regimes

This book comprises papers by fourteen international experts from the diplomatic, military and academic communities in which they identify tomorrow's key technologies in both weapon systems and components, particularly emerging technologies that may become objects of control and constraint eight to ten years hence. This includes conventional weapons and weapons of mass destruction, but special attention is also given to sensor technologies and technologies for the collection, processing and dissemination of information. The authors attempt to identify cooperative technology transfer controls which are likely to forge *new* approaches to solve *old* problems. In this connection, the book presents imaginative and challenging ideas as regards the relationship between technology supplier and recipient states. This publication is essential to those who are interested in following the trends in the transfer of sensitive technologies in the next decade, as well as those concerned with the political and diplomatic issues related to such developments.

Foreword — *General Alberto Mendes Cardoso*
Major Weapon Systems — *Ravinder Pal Singh*
Chemical and Biological Weapons — *Graham S. Pearson*
Nuclear Weapons — *Mark Goodman*
Emerging Sensor Technology: Technology Transfer and Control — *Leonard John Otten III*
The Transfer of Space Technology — *Masashi Matsuo*
Impacts of the "Information Revolution" — *Jeffrey R. Cooper*
Chemical, Biological and Nuclear Weapons Enabling Technology — *Michael Moodie*
Launchers and Satellites — *Mario Sciola*
The Need to Ensure Technology Transfer — *Jasjit Singh*
Prospective Technology Transfer Controls — *Alain Esterle*
The Role of Intelligence Services — *Rodrigo Toranzo*
Intelligence Services and Non-Proliferation Control Instruments — *The Brazilian Intelligence Service*
The Export/Import Monitoring Mechanism (EIMM) — *Frank R. Cleminson*
Summary and Conclusions — *Sverre Lodgaard*

Péricles Gasparini Alves and Kerstin Hoffman

Editors

Sales No. GVE.97.0.10

ISBN 92-1-100744-5

Curbing Illicit Trafficking in Small Arms and Sensitive Technologies: An Action-Oriented Agenda

Illicit trafficking affects both the stability of states and the safety of their populations. There are no national or regional boundaries delimiting this type of traffic: the problem is truly global and has multifaceted ramifications. Curbing its further development and proliferation calls for a better assessment of the phenomenon and a new way of looking at problems and identifying solutions. In a world of growing interdependence, one of our greatest challenges today is making bold decisions establishing new priorities and starting innovative cooperative ventures, while changing old ways of thinking and working.

Issues and Aspects — *Jasjit Singh*

Weapons of Mass Destruction — *Alfredo Luzuriaga*

Trafficking in Delivery System Technologies and Components — *Genaro Mario Sciola*

Small Arms, Drugs and Terrorist Groups in South America — *Silvia Cucovaz*

Central America and Northern South America — *Daniel Ávila Camacho*

The Role of Manufacturers and Dealers — *Carlos Fernández*

National and International Initiatives — *Wilfrido Robledo Madrid*

African and European Issues — *Stefano Dragani*

Small Arms Trafficking, Drug Trafficking and Terrorism — *Antonio García Revilla*

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Developing New Links with International Policing — *Donald Manross*

Border Patrols and Other Monitoring Systems — *Julio César Saborío A.*

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Illicit Trafficking in Nuclear Material — *Pedro Villagra Delgado*

Illicit Trafficking in Chemical Agents — *Masashi Matsuo*

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Awareness and Access to Biological Weapons — *Malcolm Dando*

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The Role of Intelligence Services — *José Athos Irigaray dos Santos*

The Role of Export Controls in Addressing Proliferation Concerns — *Sergei Zamyatin*

Control Regimes for Toxic Chemicals and Pathogens — *Malcolm Dando & Graham S. Pearson*

Using Satellites to Track and Monitor Illicit Traffic — *Panaiotios Xefteris & Maurizio Fargnoli*

The Situation in Latin America — *Marta Parodi*

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Strengthening International Cooperation — *Patricia Salomone*

Nuclear Issues — *María José Cassina*

Chemical and Biological Agents — *Eduardo Duarte*

A New Agenda for Control Regimes? — *Luis Alberto Padilla*

Final Recommendations — *Eduardo Pelayo, Péricles Gasparini Alves & Daiana Belinda Cipollone*

Péricles Gasparini Alves and Daiana Belinda Cipollone

Editors

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Spanish CV.S.98.0.8

ISBN 92-9045-128-9

Building Confidence in Outer Space Activities

This book sets out to clarify some of the prerequisites and modalities of a confidence-building process in outer space. It is the result of efforts undertaken by several experts on outer space matters who examine the role of earth-to-space monitoring in enhancing the safety of outer space activities and preventing the deployment of weapons in that environment. The book concludes by proposing the creation of an International Earth-to-Space Monitoring Network (ESMON) as the most appropriate means to improve both transparency and predictability in outer space activities.

Preface — *Sverre Lodgaard*

Confidence-Building Measures and Outer Space — *Frank Ronald Cleminson*

Monitoring Outer Space Activities — *Ralph Chipman & Nandasiri Jasentuliyana*

CSBMs and Earth-to-Space Tracking: Existing Proposals — *Laurence Beau*

CSBMs in Outer Space: Some Political Considerations — *Edmundo Sussumu Fujita*

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Command and Control of Artificial Satellites — *Fernand Alby*

Radio Tracking and Monitoring: Implications for CSBMs — *Péricles Gasparini Alves & Fernand Alby*

Laser Systems for Optical Space Observation — *Janet S. Fender*

Monitoring CSBMs — *Alexandr V. Bagrov*

Radar/Interferometry and CSBMs in Outer Space — *Wayne H. Cannon*

Applying CSBMs to the Outer Space Environment — *Péricles Gasparini Alves*

Monitoring Scenarios for Different CSBMs in Outer Space — *Péricles Gasparini Alves*

Establishing an Earth-to-Space Monitoring Network — *Péricles Gasparini Alves*

Péricles Gasparini Alves

Editor

Available from Dartmouth

ISBN 1-85521-630-2

Evolving Trends in the Dual Use of Satellites

Earth-observation, global-positioning, communications and other satellite data are playing increasingly important roles in international security events. This book evolved from discussions by various experts in different areas of satellite technology and applications who met to debate the evolution and implications of such dual-use events. Particular emphasis has been given to providing an understanding of the policy orientation of space agencies and private companies both in traditional and emerging space-competent states. Moreover, the book aims at improving the knowledge of manufacturers, suppliers, users and experts of each others' capabilities and possibilities for cooperation. In this context, attention has been directed to a discussion on the different technical and financial aspects of satellite R&D, as well as the present and prospective markets for satellite data, particularly tomorrow's dual use of satellites.

- Satellite Capabilities of Traditional Space-Competent States — *Masashi Matsuo*
- Satellite Capabilities of Emerging Space-Competent States — *Gerald M. Steinberg*
- Current and Future Remote Sensing Data Markets — *Arturo Silvestrini*
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- New Civilian Applications of Satellite Data — *Kiran Karnik*
- Conflict Prevention and Crisis Management — *D. Ignacio Barbudo Escobar*
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- No. 38 *The Fissile Material Cut-Off Debate: A Bibliographical Survey*, by Daiana Cipollone, 1996, 76p., United Nations publication, Sales No. GV.E.96.0.30.
- No. 37 *National Threat Perceptions in the Middle East*, by James Leonard, Shmuel Limone, Abdel Monem Said Aly, Yezid Sayigh, the Center for Strategic Studies (University of Jordan), Abdulhay Sayed and Saleh Al-Mani, 1995, 109p., United Nations publication, Sales No. GV.E.95.0.24.
- No. 32 *Verification of a Comprehensive Test Ban Treaty from Space - A Preliminary Study*, by Bhupendra Jasani, 1994, 58p., United Nations publication, Sales No. GV.E.94.0.30.
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- No. 29 *Une approche coopérative de la non-prolifération nucléaire: l'exemple de l'Argentine et du Brésil*, par Thierry Riga, 1994, 100p., publication des Nations Unies, numéro de vente: GV.F.94.0.22.
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- No. 22 *Crisis in the Balkans*, by Ali L. Karaosmanoglu, 1993, 22p., United Nations publication, Sales No. GV.E.93.0.22.
- No. 21 *Les minorités nationales et le défi de la sécurité en Europe*, par Dominique Rosenberg, 1993, 45p., publication des Nations Unies, numéro de vente: GV.F.93.0.21.

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