

Appendix 17A. Landmines and destruction efforts

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I. Introduction

Two multilateral conventions deal specifically with landmines. The 1997 Convention on the Prohibition of Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (APM Convention) aims to eliminate all anti-personnel mines.¹ The Amended (landmine) Protocol II² of the 1981 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects (CCW Convention or 'Inhumane Weapons' Convention) deals with both anti-personnel and anti-vehicle mines and is a hybrid, combining humanitarian and arms control measures.³ These two legal instruments, together with the global movement for an APM ban, have contributed to the emergence of an international norm against the use of landmines and to increased international and bilateral assistance and cooperation in mine action.⁴ Efforts are also under way to engage non-state actors (NSAs) in a ban on anti-personnel landmines and in mine action programmes.⁵

II. The APM Convention

The APM Convention is fundamentally different from most other conventional arms control treaties in that it is explicitly humanitarian in approach. Rather than focusing on confidence- and security-building measures (CSBMs) between states, the convention aims to alleviate the suffering of individuals.

The APM Convention was opened for signature on 3 December 1997 and entered into force on 1 March 1999. As of January 2003, 131 states were party to it, and another 15 states had signed (for regional distribution, see table 17A.1). The signatories and parties include every country in the western hemisphere except Cuba and the United States, every member of the European Union (EU) except Finland, every member of the North Atlantic Treaty Organization (NATO) except Turkey and the USA, most of the African countries and numerous states in the Asia-Pacific region. However, 48 states have not signed or acceded to the convention, including three of the five permanent members of the United Nations Security Council (China, Russia and the USA) and other major landmine producers such as India and Pakistan.

¹ The APM Convention is reproduced in Goldblat, J., PRIO, SIPRI, *Arms Control: The New Guide to Negotiations and Agreements* (SAGE: London, 2002), pp. 700–11. The parties and signatories to the APM Convention are listed in annex A in this volume. For discussion of landmine activities see the relevant chapters in previous editions of the SIPRI Yearbook.

² Amended Protocol II is reproduced in Goldblat (note 1), pp. 561–74.

³ The CCW Convention is reproduced in Goldblat (note 1), pp. 260–71. The parties and signatories to the CCW Convention are listed in annex A in this volume.

⁴ See the discussion of mine action in section IV below.

⁵ Anti-personnel mine, mine, anti-handling device, transfer and mined area are defined in Article 2 of the APM Convention. Goldblat (note 1), p. 701.

Global use, production and transfer of anti-personnel mines

By joining the APM Convention, each party undertakes never under any circumstances to use, produce or transfer anti-personnel landmines. However, there are non-parties (see table 17A.2) that still engage in these activities.

Since the mid-1990s there has been a marked decrease in the global use of APMs. From May 2001 to May 2002, 9 governments used APMs, compared to 13 in the previous year. After December 2001, India and Pakistan placed large numbers of APMs along their common border in one of the largest mine-laying operations anywhere in the world since 1997.⁶

Forty-one nations have ceased APM production, and 8 of the 12 largest producers are parties to the APM Convention. There are still 14 producers of landmines (including large producers such as China, India, Pakistan and Russia), but of these at least 3 states (Egypt, South Korea and the USA) reported no production in recent years.

Since the mid-1990s, global trade in APMs has been reduced to a low level of covert transactions. Twenty-two of the 34 countries that are known to have exported APMs in the past are parties to the APM Convention and have stopped exporting. Of the 12 non-signatories known to have exported APMs in the past, Iraq is the only one that has not made a formal statement that it is no longer exporting. The USA has an export ban in place; Israel, Pakistan, Russia and Singapore have a moratorium in place; and China, Cuba, Egypt, Iran, Yugoslavia (now Serbia and Montenegro) and Viet Nam have declared that they no longer export APMs. However, Iran's declaration no longer appears to be valid. Mine clearance organizations in Afghanistan have encountered hundreds of Iranian-manufactured YM-I and YM-I-B APMs, dated 1999 and 2000, presumably laid by the Northern Alliance forces. In January 2002, Israel seized a ship carrying 311 YM-I APMs. The ship originated from Iran and was destined for Palestine.⁷

Stockpiles and stockpile destruction

It is estimated that 230 million anti-personnel mines are stockpiled by about 94 states, of which signatories to the APM Convention hold an estimated 10 million APMs and non-signatories the remainder. The largest stockpiles are believed to belong to China (110 million), Russia (60–70 million), the USA (11.2 million), Pakistan (6 million) India (4–5 million) and Belarus (4.5 million). Rebel groups also possess APMs.

Under the APM Convention, a state undertakes to destroy all stockpiled APMs, except those retained for demining training and the development of mine clearance equipment, within four years of the entry into force of the convention for that state (see table 17A.3). In the past decade, 61 countries have destroyed some 34 million anti-personnel mines. Nearly 80 per cent of the global total destroyed so far has been destroyed to comply with the APM Convention.⁸

Many parties to the APM Convention have never had, or are believed never to have had, stockpiles of APMs. In addition, as of January 2003, 38 parties had completed stockpile destruction. Although the destruction deadline is approaching for many

⁶ *Landmine Monitor Report 2002: Toward a Mine-Free World* (International Campaign to Ban Landmines: Geneva, Aug. 2002), pp. 4–6.

⁷ *Landmine Monitor Report 2002* (note 6), pp 7–8.

⁸ *Landmine Monitor Report 2002* (note 6), p. 9.

Table 17A.1. The status of the APM Convention, regional distribution, as of January 2003

Region	Signed but not ratified	Ratified or acceded	Not signed	Total
Africa	4	43	1	48
Americas	2	31	2	35
Asia–Pacific	5	16	19	40
Europe/Central Asia	4	36	13	53
Middle East/North Africa	–	5	13	18
Total	15	131	48	194

Source: Based on Mines Action Canada, 31 Jan. 2003, URL <<http://www.minesactioncanada.org/>>. The parties and signatories to the APM Convention are listed in annex A in this volume.

Table 17A.2. Users, producers, and transfer of anti-personnel mines, January 2001–May 2002

Region	Users	Producers	Transfer
Africa	Angola: government and rebels Burundi: unknown (allegations of rebels and government) Democratic Republic of the Congo: rebels Somalia: various factions		
Americas	Colombia: rebels and paramilitaries	Cuba USA	
Asia–Pacific	Afghanistan: Taliban, al-Qaeda and Northern Alliance Burma: government and 13 rebel groups India: government and rebels India/Pakistan (Kashmir): militants Nepal: government and rebels Pakistan: government Philippines: rebels Sri Lanka: government and rebels	Burma China India North Korea Pakistan Singapore South Korea Viet Nam	
Europe/ Central Asia	Georgia: government and non-state actors (use in Abkhazia) Russia: government and rebels (Chechnya)	Russia	
Middle East/ North Africa	–	Egypt Iran Iraq	Iran: suspected transfer to Afghanistan and Palestine

Source: *Landmine Monitor Report 2002: Toward a Mine-Free World* (International Campaign to Ban Landmines: Geneva, Aug. 2002), pp. 6–8.

states in 2003 and early 2004, several have not yet begun the destruction process. At the Fourth Meeting of the States Parties to the APM Convention, in September 2002, the need to meet the four-year stockpile destruction deadline and the need to identify, encourage and assist those parties which might have difficulties were emphasized.

Clearance of mined areas

Ninety countries are affected by the presence of mines and unexploded ordnance. A state party to the convention must destroy all anti-personnel mines in mined areas under its jurisdiction or control no later than 10 years after the entry into force of the APM Convention for that state. As of January 2003, 49 of the 131 parties to the APM Convention need to comply with this obligation, and the first clearance deadline is in 2009. Data for clearance projects and funding levels over the past five years make it clear that a number of parties will not be able to meet this deadline. At the Fourth Meeting of the States Parties to the APM Convention, the need to mobilize resources to meet the deadline was emphasized, reflecting concern about the current pace of clearance.

Special issue of concern: certain anti-vehicle mines

Certain kinds of anti-vehicle mines may pose risks to civilian populations similar to those from anti-personnel mines. Many non-governmental organizations (NGOs) and certain states parties have suggested that anti-vehicle mines with anti-handling devices that explode from an *unintentional act of a person* are in effect APMs and therefore prohibited under the APM Convention. It has also been argued that anti-vehicle mines with sensitive fusing mechanisms—such as tripwires, breakwires or tilt rods—that explode from the presence, proximity or contact of a person are banned.

While several states parties have destroyed stocks of or prohibited the use of anti-vehicle mines that use tilt rods and tripwires as fuses, some parties view such fuses as acceptable. A large number of parties have not taken a public position on the issue, and the question of whether to seek to develop a ‘best practice’ guideline including non-use of mines with tripwires and tilt rods is unresolved.

Regarding anti-vehicle mines with anti-handling devices, several countries (including key framers of the APM Convention such as Austria, Canada, Norway and South Africa) have stated that mines that explode from an unintentional act of a person are prohibited. Other states parties have disagreed (including Denmark, France, Japan and the United Kingdom) and expressed the view that anti-vehicle mines should be discussed within the framework of the CCW Convention, not the APM Convention. The majority of states parties have not made their views known.⁹

Limited progress has been made in clarifying which specific types of anti-vehicle mines with anti-handling devices or sensitive fuses, if any, are prohibited under the APM Convention. States parties have been encouraged by the APM Convention Standing Committee to review their inventories and report on best practices to reduce the impact of mines that may pose risks to civilian populations similar to those posed by APMs.

⁹ *Landmine Monitor Report 2002* (note 6), pp. 13–14. A report of national statements on anti-vehicle mines with anti-handling devices to 1 Feb. 2002, collected by Human Rights Watch, is available at URL <http://www.hrw.org/backgrounder/arms/avm_bck_index.htm>.

Table 17A.3. Stockpile destruction deadlines for 2003–2007, as of January 2003^a

	2003	2004	2005	2006	2007
1 Jan.		Tunisia			Angola
1 Feb.				Eritrea	
1 Mar.	Djibouti, Japan, ^b Macedonia, Mozambique, (Norway ^c), Turkmenistan	Argentina	Bangladesh, Colombia	Chile, Nigeria	Afghanistan
1 Apr.	Qatar, ^d Slovenia	Tajikistan ^e		Algeria	
1 May	Jordan, Thailand		Romania, Tanzania		Central African Republic
1 June		Liberia			
1 July	El Salvador		Kenya		Cyprus
1 Aug.	Portugal, Uganda				
1 Sep.	Nigeria				
1 Oct.	Brazil, Venezuela		Sierra Leone		
1 Nov.	Chad		Congo, Republic of, Guinea-Bissau	Democratic Republic of the Congo, Suriname	
1 Dec.			Uruguay		

^a The table does not include deadlines for states parties that are known or believed not to have any stockpiles of anti-personnel mines.

^b In addition to Japan's own stockpile of anti-personnel mines, the USA has stockpiles of anti-personnel mines in Japan, but Japan maintains that these are not within its jurisdiction and control, and thus not subject to the provisions of the APM Convention.

^c Norway has completed stockpile destruction of its own mines. However, the USA has stockpiles of anti-personnel mines in Norway. The Norwegian Ministry of Foreign Affairs has given assurances that these mines will be removed by Mar. 2003.

^d The USA has stockpiles of anti-personnel mines in Qatar. Qatar has not clearly indicated if any of these mines fall under its jurisdiction or control; if so the mines must be destroyed or removed before the Apr. 2003 deadline.

^e In addition to anti-personnel mines stockpiled by Tajikistan, it appears that Russia has a stockpile of anti-personnel mines inside Tajikistan.

Source: Landmine Monitor Report 2002: Toward a Mine-Free World (International Campaign to Ban Landmines: Geneva, Aug. 2002); Human Rights Watch, 'Antipersonnel mine stockpile destruction (Article 4)', *Landmine Monitor Fact Sheet*, 30 May 2002, URL <http://www.icbl.org/lm/factsheets/pdf/stock_may_2002.pdf>; and *Time-lines for the Implementation of Article 4 on the Part of those States Parties Still in the Process of Doing So* (Geneva Center for International Demining: Geneva, Jan. 2003).

III. Amended Protocol II of the CCW Convention

The CCW Convention was opened for signature on 10 April 1981 and entered into force on 2 December 1983. The CCW is an umbrella treaty under which specific agreements have been concluded in the form of protocols.

Protocol II of the CCW, a first attempt to restrict the use of landmines, prohibits the indiscriminate use of mines and their intentional use against civilians. An amended Protocol II was agreed at the First Review Conference of the CCW in 1996.¹⁰ The Amended Protocol II stipulates that reliable records of minefields must be maintained and that all efforts must be taken after the end of hostilities to clear minefields. It requires that APMs must be detectable and restricts the use of remotely delivered APMs to those equipped with specified self-destruct and self-deactivation mechanisms. Many countries that are not party to the APM Convention are bound by Amended Protocol II, which entered into force on 3 December 1998, including China, India, Israel, Pakistan, Russia, Turkey and the USA. As of December 2002, there were 68 parties to Amended Protocol II.¹¹

Further regulations on anti-vehicle mines and explosive remnants of war

At the Meeting of States Parties to the CCW Convention in December 2002, governments agreed to start negotiations on a new protocol on explosive remnants of war (ERW). These are explosive munitions that were laid, abandoned or delivered during an armed conflict but remain in an armed, yet unexploded, state after the conflict and which no longer serve a military purpose. The protocol is intended to apply to post-conflict situations and to include issues such as responsibility for clearance of explosives, information to facilitate clearance and risk education, and warnings to civilian populations. To the disappointment of some governments (and many NGOs), the negotiations will not include discussions on technical improvements to reduce the risk of munitions becoming ERW. However, a Group of Governmental Experts has been given the mandate to continue to study such issues separately from the negotiation of a new protocol.¹²

At the December 2002 meeting governments also discussed a proposal for a new protocol to reduce the impact of anti-vehicle mines. Building upon obligations on APMs in Amended Protocol II, the proposal would require all anti-vehicle mines to be detectable by commonly available mine detectors, and remotely delivered anti-vehicle mines would be required to contain self-destruct or self-neutralization features. These characteristics would help ensure that anti-vehicle mines no longer pose a threat once the military purpose for their use has ended.¹³

¹⁰ It was extended to apply to internal armed conflict. See the discussion in Lachowski, Z., 'The ban on anti-personnel weapons', *SIPRI Yearbook 1998: Armaments, Disarmament and International Security* (Oxford University Press: Oxford, 1998), pp. 545–58; and Goldblat (note 1), pp. 287–93.

¹¹ For a list of the parties see annex A in this volume.

¹² Draft Report of the Meeting of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects, CCW Convention document CCW/MSP/2002/CRP.1, Geneva, 12–13 Dec. 2002.

¹³ The June 2001 proposal, co-sponsored by Denmark, Finland, Germany, Guatemala, Hungary, Japan, South Korea, Poland, Romania, Slovakia, the UK and the USA, is available at URL <<http://www.ccw-treaty.com/usdanishproposal.html>>.

The parties could not agree to start negotiations on a new protocol on anti-vehicle mines. The main objections to negotiations came from China, India, Pakistan and Russia, which argued that anti-vehicle mines constitute an essential element of their national defence and that developing countries could not afford to retrofit existing mines or develop new mines to comply with the proposal.¹⁴ A Group of Governmental Experts will continue to explore the issue.¹⁵

IV. International cooperation and assistance to mine action

Since the mid-1990s mine clearance has evolved from being a strictly military activity to include humanitarian and developmental dimensions. ‘Mine action’ is the broad term used to describe efforts aimed at limiting the damage caused by landmines and includes mine clearance (including mapping and surveys), mine risk education, victim assistance, advocacy in support of a total ban on anti-personnel landmines, and stockpile destruction.

Mine action assistance: treaty obligations and voluntary assistance

According to the APM Convention, each state party has the right to seek and receive assistance from other parties to fulfil its obligations. The convention calls upon any party in a position to do so to assist other parties in providing assistance to mine victims, delivering mine risk education, providing demining assistance and helping with mine destruction. States parties are expected to be as helpful as possible in providing access to the equipment, material, and scientific and technological information needed to implement the convention.

Amended Protocol II to the CCW Convention stipulates that states and other parties to conflict who use mines must remove them following the end of active hostilities. The protocol also stipulates that each state party in a position to do so shall provide assistance for mine clearance through the UN system, other international bodies or on a bilateral basis.

The obligations regarding cooperation and assistance are more comprehensive in the APM Convention than in the CCW Convention in the sense that the APM Convention covers assistance to all aspects of mine action whereas the CCW Convention mainly concentrates on assistance to mine clearance. However, many states that are in a position to do so give assistance to all aspects of mine action even though they are not parties to the APM Convention. For example, the USA is the world’s largest single mine action donor.

Much of the assistance provided by donors is directly linked to helping to implement the APM Convention—that is, to complete stockpile destruction within the four-year deadline and mine clearance within the 10-year deadline. Many donors also give assistance to countries that are not parties to the APM Convention but which have demonstrated an interest to accede. This is intended to provide an incentive for countries where mines are present to join the convention, as well as to meet a humanitarian need. Some mine-affected states also devote considerable resources to mine action.

¹⁴ See, e.g., Russian Federation, Discussion paper on the issue of restrictions on the use of anti-vehicle mines, CCW Convention document CCW/GGE/I/WP.12, 23 May 2002; and China, Certain technical aspects of anti-vehicle landmines, CCW Convention document CCW/GGE/II/WP.17, 15–26 July 2002.

¹⁵ Draft Report of the Meeting of the States Parties (note 12).

For example, the Croatian Government has paid for most of the \$103 million spent on mine clearance in Croatia in 1997–2001.¹⁶

Roughly \$1.4 billion has been spent on mine action in the past decade. In 2001, \$237 million was allocated for mine action by 24 donor countries—essentially the same amount as during 2000 (see table 17A.4). This is the first year since 1992 that global mine action funding has not increased significantly. A number of mine action programmes have experienced serious funding problems in recent years.

Mine action by international and regional organizations

International cooperation in mine action has increased substantially and the United Nations and regional organizations have emerged as major actors in mine action. These activities represent only a sample of international cooperation in mine action in which NGOs, demining companies, the military, the UN and regional organizations are increasingly learning to cooperate. However, there is still a need to improve cooperation in order to minimize bureaucracy, overlap and competition for resources.

The United Nations

The UN has been involved in mine action activities since 1989. Eleven departments and agencies are now involved in mine action under the overall coordination of the United Nations Mine Action Service (UNMAS). UN mine action includes mine clearance, mine awareness and risk reduction education, victim assistance, stockpile destruction and advocacy in support of a total ban on anti-personnel landmines.¹⁷

The Organization of American States

Since 1992 the Organization of American States (OAS) General Assembly has provided a mandate to the OAS Mine Action Program to assist mine-affected countries in the Americas meet their commitment to convert the western hemisphere into a zone free from APMs.¹⁸ A distinctive feature of the programme is its multilateral nature. Several OAS member states have provided military engineers and other specialists to teach courses in demining techniques and to supervise and monitor mine clearance operations. Other states (i.e., Canada, Denmark, France, Germany and Russia) have helped fund mine action programmes. In 2001 these donor contributions amounted to \$6.8 million.¹⁹ The OAS has supported demining operations in Central America since 1995 and now supports a wide range of mine action activities in six member states: Costa Rica, Ecuador, Guatemala, Honduras, Nicaragua and Peru. The OAS has taken a lead role in assisting member states with mine stockpile destruction. It has asked its member states to ratify and comply with the APM Convention and has emphasized assisting member states to meet their treaty obligations.²⁰

¹⁶ *Landmine Monitor Report 2002*, Executive Summary (note 6), p. 49.

¹⁷ Additional information about the UN mine action programmes is available at URL <<http://www.mineaction.org>>.

¹⁸ The members of the OAS are given in the glossary in this volume.

¹⁹ *Landmine Monitor Report 2002* (note 6), p. 893.

²⁰ Additional information about the OAS mine action programmes is available at URL <<http://www.upd.oas.org/lab/demining/default.htm>>.

Table 17A.4. Mine action donors and recipients, as of August 2002

Figures are in US \$m.

Largest donors, early 1990s–2001	Largest recipients, early 1990s–2001	Largest donors, 2001	Largest recipients, 2001
1. USA, \$375.5	Afghanistan, \$193	USA, \$69.2	Northern Iraq, \$30
2. EC, \$203.3	Mozambique, \$160	EC, \$25.3	Cambodia, \$21
3. Norway, \$127.2	Cambodia, \$146	Norway, \$19.7	Bosnia and Herzegovina, \$16.6
4. UK, \$94.1	Bosnia and Herzegovina, \$103	Canada, \$15.5	Mozambique, \$15.1
5. Sweden, \$80	Kosovo (FR Yugoslavia), \$85	UK, \$15.4	Angola, \$15
6. Japan, \$70.8	Northern Iraq, \$80	Denmark, \$14.4	Afghanistan, \$14.1
7. Canada, \$97.4	Angola, \$71	Netherlands, \$13.9	Lebanon, \$12.6
8. Netherlands, \$67.2	Laos, \$42	Germany, \$12.3	Kosovo, \$8.4
9. Germany, \$62.1	Other large recipients: Central America (OAS), \$27.3 Lebanon, \$25 (recent years) Viet Nam, \$25 (recent years)	Sweden, \$8.5	Eritrea, \$8.4
10. Denmark, \$62.3		Switzerland, \$8.4	Laos, \$7.5

Source: *Landmine Monitor Report 2002: Toward a Mine-Free World, Executive Summary* (International Campaign to Ban Landmines: Geneva, Aug. 2002), pp. 43–49.

The European Union

In addition to the bilateral funding provided by EU member states,²¹ the European Community is the world's second largest donor to mine action activities after the USA. On 3 December 2002 the European Commission adopted an EC Mine Action Strategy that will mobilize approximately €105 million for integrated mine action activities over the period 2002–2004. The strategy promises continued support for the implementation of mine clearance and stockpile destruction in states parties to the APM Convention. The EU will also support countries willing to join the convention and parties engaged in peacemaking that agree to stop using and start clearing APMs and to destroy their stockpiles.²²

The fact that one EU member state (Finland) has not signed the APM Convention means that the EU is somewhat limited in its ability to agree on strong common positions and to advocate universalization of the APM Convention. However, the EU usually presents common statements and proposals on matters relating to the CCW Convention's regulations on landmines.

²¹ The members of the EU are given in the glossary in this volume.

²² European Commission, 'EC mine action 2002–2004, strategy and multiannual indicative programming', Dec. 2002, is available at URL <http://europa.eu.int/comm/external_relations/mine/intro/02_04en.pdf>.

The Stability Pact for South Eastern Europe Reay Group

The Stability Pact for South Eastern Europe²³ has created the Reay Group to help countries in South-Eastern Europe meet APM Convention obligations. The Reay Group works in three priority areas where it is felt that the Stability Pact framework can provide the most value: stockpile destruction, training in demining, and testing and evaluating of equipment to be used for the elimination of landmines in the region.²⁴

The NATO Partnership for Peace Trust Fund

The NATO Partnership for Peace (PFP) Trust Fund was established in September 2000 to assist NATO partner countries in the safe destruction of stockpiled APMs and other munitions.²⁵ NATO member and partner countries have earmarked close to \$4.2 million to destroy over 2 million mines and other munitions in PFP countries. Under the programme, 1.6 million APMs have been destroyed in Albania and 12 000 APMs have been destroyed in Moldova, enabling both countries to meet their commitments under the APM Convention. A similar project is currently under way in Ukraine, where 400 000 APMs will be destroyed by September 2003.²⁶

V. Efforts to engage non-state actors in a ban on anti-personnel mines

The majority of armed conflicts currently involve armed groups that act autonomously from (and often in opposition to) recognized governments. Landmines are manufactured, used and stockpiled by non-state actors in many conflicts around the world. This has had a negative impact on the campaign against landmines. Many people live on mined land under non-state control—for example, in southern Sudan and northern Iraq. Access to such areas is often limited or impossible. Those fighting for NSAs and the people in whose name they fight are often the victims of landmines.

The majority of NSA mine users are active in countries that have not signed the APM Convention (table 17A.5). Some governments involved in internal armed conflict justify their refusal to accede to the APM Convention on the grounds that the NSAs they are fighting continue to use anti-personnel mines. Other governments refuse to ban anti-personnel mines on the grounds that it is difficult for them to meet obligations under the APM Convention in territories under NSA control.

At least 40 armed groups are reported to have used landmines in 2001–2002, including in Angola, Burma, Colombia, Nepal and Russia. Many rebel groups—including those in Afghanistan, Angola, Burma, Chechnya, Colombia, the Democratic Republic of the Congo (DRC), Kashmir, the Philippines, Somalia, Sri Lanka, Sudan and Uganda—have stockpiles of anti-personnel mines.²⁷

²³ The participants in the Stability Pact for South Eastern Europe are given in the glossary in this volume.

²⁴ Additional information about the Stability Pact's mine action programmes is available at URL <http://www.stabilitypact.org/stabilitypactcgi/catalog/cat_descr.cgi?subcat=1&prod_id=46>.

²⁵ The members of NATO and the PFP are given in the glossary in this volume.

²⁶ Additional information about the NATO mine action programmes is available at URL <<http://www.nato.int/pfp/trust-fund.htm#a>>.

²⁷ *Landmine Monitor Report 2002* (note 6).

Table 17A.5. Non-state actors that use, are alleged users of, produce, stockpile or have mines on their territory and which are active in states parties, signatories or non-signatories to the APM Convention, as of August 2002

	Users	Alleged users	Producers	Have stockpiles	Mines on their territory
States parties	14	7	9	4	22
Signatory	10	1	0	1	7
Non-signatory	33	2	9	17	40

Source: Nonviolence International, *Fact Sheet: Non-State Actors and the Ban on Anti-personnel Landmines* (Nonviolence International: Bangkok, 2002).

NSA commitments to ban anti-personnel mines

While legal efforts to eliminate the use of landmines have focused on states, most efforts to engage NSAs in a ban on APMs have been undertaken by NGOs. Country campaigns within the International Campaign to Ban Landmines (ICBL) established the ICBL Non-State Actors Working Group, which is trying to engage NSAs in an unconditional ban on the use, production, stockpiling and transfer of landmines and to obtain cooperation on mine action.²⁸

The ICBL NSA Working Group collaborates closely with Geneva Call, a humanitarian organization launched in March 2000 by members of the ICBL. Geneva Call appeals to all armed groups to ban APMs and provides a mechanism whereby NSAs can sign a Deed of Commitment for a Total Adherence to a Total Ban on Anti-Personnel Mines and for Co-operation in Mine Action, or can deposit their own mine ban declarations. The guardian of these deeds is the Government of the Republic and Canton of Geneva. NSAs that sign a deed of commitment commit themselves to prohibit the use, production, stockpiling and transfer of APMs. They also undertake to cooperate, in areas under their control, in stockpile destruction, mine clearance, victim assistance, mine awareness and various other forms of mine action activities.²⁹

As of December 2002, five NSAs had signed a deed of commitment: the Sudan People's Liberation Movement/Army (SPLM/A), the Moro Islamic Liberation Front (MILF), the Revolutionary Proletarian Party–Alex Boncayo Brigade (RPA–ABB) of the Philippines, the Patriotic Union of Kurdistan (PUK) and the Kurdistan Democratic Party (KDP). Furthermore, in Somalia (where there is no recognized government) 15 factions, including the Transitional National Government, signed a deed of commitment on 11 November 2002. Negotiations on deeds of commitment are under way in Angola, Burma, Chechnya, Colombia, Indonesia, Sri Lanka and Western Sahara.³⁰ Other NSAs have unilaterally stopped using landmines and support mine clearance and victim assistance programmes under their control. Bilateral agreements

²⁸ Information about the ICBL NSA working group is available at URL <<http://www.icbl.org/wg/nsa>>.

²⁹ Information about Geneva Call and the Deed of Commitment is available at URL <<http://www.genevacall.org>>.

³⁰ Geneva Call, 'Somali factions commit themselves under Geneva Call to ban anti-personnel mines', Press Release, 12 Nov. 2002, URL <<http://www.genevacall.org/news/testi%20release/somapress.htm>>.

with states which include clear references to mines have also been made by NSAs in some countries.³¹

NSAs support a mine ban for diverse reasons. Often they realize that the military utility of APMs is outweighed by their appalling consequences for people. A ban could increase support for mine action in areas under their control, and encourage the government to stop using APMs or lead to a change in mine use. In some cases, such as the MILF, the use of landmines is also contrary to religious or ideological beliefs.

Monitoring commitments

Geneva Call and the NSA Working Group of the ICBL have established a special mechanism to give the signatory NSA an official response to the deed of commitment or declaration and to ensure distribution of the NSA statement through the UN system and to all appropriate governments and bodies. These declarations represent a strong moral and political commitment by NSAs to ensure that a total ban on APMs is in place and that mine action is undertaken.

There is an accountability provision in the deed of commitment that binds signatory groups to cooperate with Geneva Call in monitoring implementation and compliance. Signatory groups must provide an annual compliance report to Geneva Call and allow field visits and inspections.

There have been allegations that the MILF and the SPLM/A have used APMs after signing the deed of commitment. In 2000 and 2001 the Government of the Philippines accused the MILF of planting landmines to defend its largest camps during an intense offensive by the army. Using the accountability mechanism in the deed of commitment, Geneva Call sent a fact-finding mission to the Philippines in April 2002 to investigate these allegations. Although unable to conduct a ground verification, the mission was able to secure a clear reaffirmation of the MILF's commitment to an unconditional ban on APMs and to discuss some landmine incidents.³²

Reported incidents suggest serious lapses in the SPLM/A command structure's ability to make field commanders and the rank and file comply with their deed of commitment. Geneva Call and the SPLM/A have recognized the need for a major education effort regarding the SPLM/A mine ban policy involving both its military and civil structures, as well as civil society in southern Sudan.³³

In spite of allegations of mine use by the MILF and the SPLM/A, violations of the deed of commitment do not seem to have occurred frequently. The deed of commitment provides for a monitoring or accountability mechanism but verification is difficult and there is a need for better monitoring and implementation of commitments.

³¹ Unilateral declarations or bilateral agreements with states with clear references to mines have been made by NSAs in e.g., Afghanistan, Colombia, the Philippines, Somalia, Yugoslavia/Kosovo and Morocco/Western Sahara. Busé, M., 'Non-state actors and their significance', *Journal of Mine Action*, 3 May 2002, URL <http://maic.jmu.edu/journal/5.3/features/maggie_buse_nsa/maggie_buse.htm>.

³² Geneva Call, 'Report of the Geneva Call mission to the Moro Islamic Liberation Front (MILF) in central Mindanao, Philippines, Geneva and Manila', 30 Apr. 2002, URL <<http://www.genevacall.org/resource/publications/gcmindanao.pdf>>.

³³ Kramer, K., Geneva Call, Private communication with the author, 17 Dec. 2002.

Growing awareness in the international arena

The NSA issue has increasingly been highlighted in the international arena. The Final Declaration of the Fourth Meeting of States Parties to the APM Convention states: 'We urge all non-State actors to cease and renounce the use, stockpiling, production and transfer of anti-personnel mines according to the principles and norms of International Humanitarian Law'.³⁴ The issue has also been acknowledged in the context of the CCW Convention, and future discussions in the Group of Governmental Experts will take into account the use of anti-vehicle mines by non-state actors.³⁵

On 7 September 2001, the European Parliament unanimously approved a resolution acknowledging the need to engage NSAs on the mine ban issue and calling on the international community to support efforts to obtain commitments to an APM ban from NSAs.³⁶ In March 2002 the European Parliament decided to create a Working Group on NSAs with a special focus on landmines.³⁷ The EU Mine Action Strategy 2002–2004 includes considerations of support for NSA awareness and advocacy projects in Sudan in 2002.³⁸

Many states support mine action in areas under NSA control and many states parties to the APM Convention are putting pressure on the parties to a conflict (both governments and NSAs) by making assistance for mine action conditional upon mine ban commitments. In November 2002 France stated that it would provide assistance for demining in Sri Lanka following a promise by separatist Tamil Tiger rebels not to use mines again and the signing of the APM Convention by the Sri Lankan Government.³⁹ Many parties to the APM Convention also support the advocacy efforts of NGOs such as Geneva Call.

While governments see the need to engage NSAs, many have not had the political will to participate in the process for fear of giving legitimacy to NSAs. Governments involved in armed conflicts with armed groups also often find engagement with NSAs in a mine ban to be politically sensitive or threatening to their authority or integrity as a state. In addition, they may have doubts about the feasibility of securing commitments and ensuring compliance.

VI. Conclusions

The APM Convention faces two major challenges. The first relates to mine action cooperation, given that funding levels seem to have stagnated. International assistance and mine action funding is important to help states parties meet rapidly approaching

³⁴ Final report of the Meeting of States Parties to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, APM Convention document APLC/MSP.4/2002/1, Geneva, 27 Sep. 2002.

³⁵ Draft Report of the Meeting of the States Parties (note 12).

³⁶ European Parliament Resolution on Measures to Promote a Commitment by Non-State Actors to a Total Ban on Anti-Personnel Landmines, Texts Adopted by Parliament, 6 Sep. 2001, URL <<http://www.genevacall.org/resource/references/offdocuments/epreso.pdf>>.

³⁷ European Parliament, Letter from Bob van den Bos, Member of European Parliament for D66 (ELDR), 'Creation of working group on non-state actors in the anti landmine campaign', ref. no. ASP 10 G 317, Brussels, 14 May 2002.

³⁸ EC Mine Action 2002–2004: Strategy and Multiannual Indicative Programming, European Commission, Dec. 2002, URL <http://europa.eu.int/comm/external_relations/mine/intro/02_04en.pdf>.

³⁹ Xinhua News Agency (Colombo, Sri Lanka), 'France considers helping with de-mining in Sri Lanka', 29 Nov. 2002, URL <<http://library.northernlight.com/FA20021130090000019.html?cb=0&dx=1006&sc=0>>.

deadlines for stockpile destruction in 2003 and mine clearance in 2009. The second major challenge is bringing many important countries into the convention, including China, India, Pakistan, Russia and the USA. There is growing concern that the pace of new ratifications and accessions has slowed, and it is very worrying that some countries outside of the treaty (India, Pakistan and Russia) are using mines. The biggest challenge for supporters of the APM Convention is thus to ensure universalization of the convention and to build support for an international norm whereby any use of APMs by any state or non-state group is rejected.

In this respect, the engagement of non-state actors in a ban on APMs is fundamental. So far, most efforts to engage NSAs have been by NGOs, given state concerns about trusting NSA commitments that have no legal standing and verifying the implementation of such commitments. A great challenge in the NSA landmine ban process is to ensure the necessary support from governments to engage with the NSAs in their respective countries. Another challenge is to ensure access to areas under NSA control in order to monitor their commitments.

Important developments have taken place within the CCW Convention in the past two years. The willingness of states parties to address issues such as anti-vehicle mines and explosive remnants of war highlights the central role that the convention can play in ensuring that the law remains up to date and responsive to developments in modern warfare. Nevertheless, the Meeting of States Parties in December 2002 could not decide to start negotiations on a new protocol on anti-vehicle mines, and the new protocol on ERW will not be as comprehensive as some wished.

The APM and the CCW landmine processes, and cooperation outside of these conventions, are generally mutually supportive. All processes contribute to the strengthening of the international norm against landmines. The fact that both the APM Convention and the CCW Amended Protocol II place great emphasis on international cooperation and assistance in mine action also contributes to linking the processes. Furthermore, many states that are not parties to one or both of the conventions participate on a voluntary basis in international mine action efforts.

In spite of the mutually reinforcing aspects of the APM Convention and the CCW Convention, there are tensions between them in the discussions on certain anti-vehicle mines. There should be no contradiction between discussing anti-vehicle mines within the context of both conventions, since the focus of the discussions is different. Discussions in the context of the APM Convention focus on the prohibition of mines that pose similar risks to civilians as APMs, while the discussions in the context of the CCW Convention have primarily focused on minimizing the threat posed to civilians from anti-vehicle mines that actually explode from the pressure of a vehicle. There is thus a need to continue the discussions in both forums.

