

# International Diplomacy



## How has the international community responded to the threat of landmines?

Decades of conflict around the world have left a deadly legacy in some 60 countries, a legacy sown in the form of landmines intended not only for strategic purposes but also as instruments of intimidation and terror. Although this legacy is unknown to most Americans, addressing its consequences is an important component of the US government's efforts to promote peace and stability around the world.

The international community has responded to the challenge of eliminating landmines in a number of ways. In addition to making a commitment to educate and assist landmine victims and to remove or destroy landmines, two international instruments now restrict or prohibit the use of landmines.

### What is the difference between states using landmines and non-state actors (NSAs) using landmines?

Generally, states use landmines for defensive purposes, but NSAs, such as terrorist groups, use them primarily as offensive weapons. The ideologies, objectives and strategies of these groups vary greatly. States usually try to defend territory, deny an area or disrupt an opposing force. However, terrorist groups commit violent acts that seemingly have no purpose other than to inflict terror. The purpose is to disrupt the social fabric by creating a high level of fear among the civilian population. NSAs often use landmines to disrupt economic and political infrastructure and to terrorize the local population by placing landmines around schools, trodden paths, wells, etc. This kind of indiscriminate placement means that there are few, if any, mine records or maps available. A combatant's memory and the community's victims must serve as starting points for clearance operations. The landmines used by these groups are more dangerous than commercial mines because they have a tendency to be highly unpredictable and unsafe to handle.

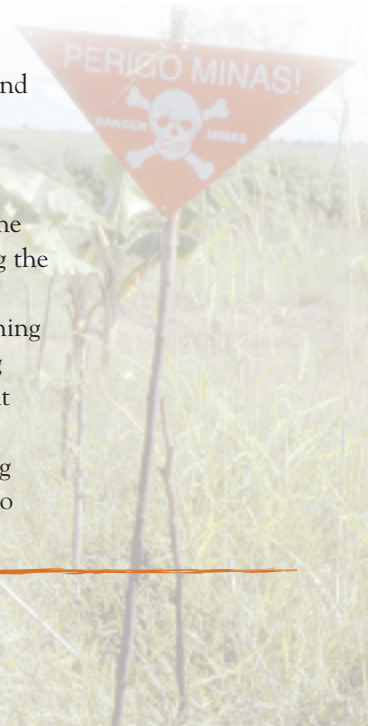
### The Convention on Certain Conventional Weapons (CCW)

In 1980, the UN adopted the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons That May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, which the US ratified in 1995. Two of the most important provisions stipulate that:

- (a) Parties to a conflict must always distinguish between civilians and combatants, and civilians must not be targeted for attack.
- (b) The use of weapons that are "of a nature to cause superfluous injury or unnecessary suffering" is prohibited.

In 1990, humanitarian organizations began to document a high number of civilian mine casualties, many of which were occurring after the cessation of hostilities. Following a formal request by the French government in 1993, a Review Conference of the CCW opened in Vienna in September 1995. Despite the successful adoption of a number of other protocols, talks to strengthen restrictions on the production, transfer and use of anti-personnel landmines (APL) became deadlocked, and the conference adjourned without placing any new limitations on these weapons. Two additional sessions were scheduled to convene in January and May 1996.

During the May 1996 session, significant improvements were made in the original landmine protocol of the CCW. They included prohibiting the use of undetectable APL, the expansion of the protocol to include internal conflicts, the tightening of regulations related to marking and monitoring anti-personnel minefields, the determination that responsibility for the proper maintenance or clearance of landmines rests with the mine-laying party, and the prohibition of any APL transfers to



*A US civil affairs soldier works with a Cambodian officer during an assessment visit.*



countries that are not party to or fail to apply the provisions of the protocol. These changes were put into a new protocol called the Amended Mines Protocol (AMP). Delegates agreed that annual meetings would be held to discuss the implementation of the protocol and that a third review conference would occur no later than 2001. The AMP has been ratified by almost 60 countries. Some of these countries, including the United States, which ratified in 1999, are key states not party to the "Ottawa Process."

### **The "Ottawa Process"**

At the same time that the international community was working to strengthen the CCW as an international legal instrument that would limit the use of APL, another process had begun to emerge. In October 1992, non-governmental organizations (NGOs) met in New York to form a transnational alliance dedicated to advocating the elimination of APL. The meeting marked the birth of the International Campaign to Ban Landmines (ICBL), an organization dedicated to seeking a total landmine ban.

Despite the improvements made in the AMP in 1996, the ICBL, representing more than 350 NGOs, concluded that the protocol had failed. At the closing session of the 1996 CCW Review Conference, they joined with the Canadian government and other

parties interested in a complete ban on APL. This set the scene for what came to be called the "Ottawa Process."

Fifty governments attended the Canadian Conference in October 1996. The International Committee of the Red Cross (ICRC), the ICBL and the UN also attended. At the close of this conference, the Canadian government issued an invitation to all governments to come to Ottawa in December 1997 to sign a treaty prohibiting the production, stockpiling, transfer and use of APL.

International support continued to build. In 1996, the UN General Assembly passed a resolution calling on all countries to conclude a new international agreement prohibiting APL. International discussion on an Austrian-drafted text began in 1997 and concluded with the adoption of the "Ottawa Convention." This Convention addresses only APL and takes no action on anti-vehicle landmines. The treaty was signed by 122 nations at a ceremony on December 3, 1997, in Ottawa. Since then the number of signatories has risen to 145, of which 132 have ratified the convention.

In 1997, the United States cited two reasons for not signing the Ottawa Convention:

- 1) The need for an adequate transition period in order to phase out APL, which it uses to protect American troops.
- 2) The need to preserve the mixed anti-tank systems the United States relies on to slow down an enemy's armor offensive in battle.

In February 2004, the US issued a new landmine policy that addresses these issues.

### **What is the US Policy on landmines?**

In February of 2004, the United States Government announced a new comprehensive policy committing itself to be the first major military power to leave no mine behind of any type on any battlefield. This policy, while not banning APL, is much more comprehensive than either the CCW or Ottawa. Within one

year, in 2005, all US mines will be detectable, and after 2010, all US landmines will be equipped with self-destructing or self-deactivating technology. The United States will continue to research and develop enhancements to the current technology of self-destructing/self-deactivating landmines to preserve military capabilities. The United States will seek a worldwide ban on the sale or export of all persistent landmines. Within two years, the United States will begin the destruction of those persistent landmines that are not needed for the protection of Korea. The U.S. Government will increase by 50 percent the State Department's portion of the US Humanitarian Mine Action Program.

### Is there a strategic impact to these treaties?

Increased awareness of the impact of landmines has evoked a significant debate on the overall value of their continued use. Arguments on both sides of the issue are beyond the scope of this book. Critical to an overall understanding of the two treaty instruments, however, is a discussion of the impact of the treaties on the strategic use of landmines.

Military forces have relied on landmines to defend the perimeters of operational areas, to impede the forward progress of opposing military forces and to channel those forces to areas targeted by more capable weapons. Both treaties have had a significant impact in altering those historic strategic purposes, although the need to deny the enemy certain space on the battlefield remains.

Such strategic changes are less obvious for parties to the CCW. The United States currently has no landmines emplaced anywhere in the world. It has limited its possible emplacement of its persistent (i.e., non self-destructing/non self-deactivating) APL, all in storage, for the defense of South Korea. After 2010, even that exception will cease. US force protection strategy, however, reserves the right to use short-duration landmines, the kind permitted under the CCW, in any future military engagement. The United States is the only producer of

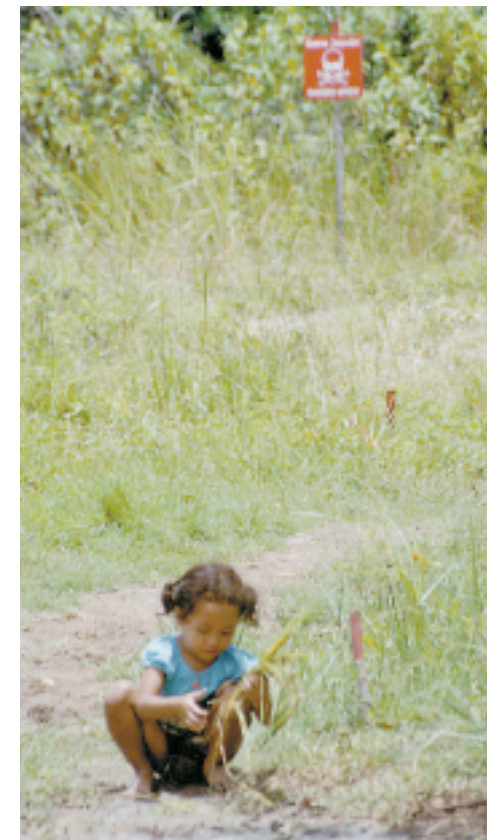
such short-duration landmines that have been designed to deactivate or self-destruct after a specified time and pose little, if any, humanitarian threat to noncombatants.

Neither treaty has had a significant impact on the use of APL by rebel groups or NSAs. Reports of mine use by such groups have been made in almost 20 countries in recent years: Afghanistan, Angola, Burma, Colombia, Democratic Republic of the Congo, Georgia, India, Iraq, Lebanon, Nepal, Pakistan, Philippines, Russia (Chechnya), Senegal, Somalia, Sri Lanka, Sudan, Turkey and Uganda.

### What do the treaties amount to?

Both the CCW and the Ottawa Treaty are useful instruments in the international campaign to remove the scourge of landmines; they are complementary, not mutually exclusive. Both address problems generated by APL; they address the issue of transparency; they require the removal of mines after the cessation of hostilities; and they require the provision of humanitarian mine action assistance.

Although the focus of the international community has largely been on the Ottawa Convention, the CCW's AMP is an effective and useful alternative because it has captured and can continue to capture states not party to Ottawa. Although both treaties share similar objectives, only the AMP offers states an opportunity to protect their military interests while fostering humanitarian initiatives designed to minimize or eliminate the threat to noncombatants. When used in tandem, however, these instruments comprise useful strategic tools in the global effort to respond to the humanitarian challenges posed by landmines around the world.



*A child plays in safe land next to a minefield.*