

**Annotated to
Show 15-Years of Progress in
Banning Antipersonnel Mines**

Landmine Monitor

Toward a Mine-Free World



**EXECUTIVE
SUMMARY**

1999

June 2014

Banning Antipersonnel Mines

Twenty-five of these states have since joined, including many with large stockpiles and/or seriously affected by mine contamination, such as Afghanistan, Belarus, Democratic Republic of Congo, Eritrea, Finland, Iraq, Kuwait, Serbia, Somalia, Tajikistan, and Turkey.

The achievement of the *Convention on the Prohibition of the Use, Stockpiling, Production, and Transfer of Anti-Personnel Mines and on Their Destruction*¹ has been hailed by UN Secretary-General Kofi Annan as “a landmark step in the history of disarmament” and “a historic victory for the weak and vulnerable of our world.”² Developed and negotiated in just one year’s time, signed by 122 nations in Ottawa, Canada in December 1997, it has been considered a remarkable achievement by most all observers. Yet those most closely involved, both outside and inside of government, were quick to point out that the work had just begun — mammoth tasks lay ahead, including rapid ratification by states to ensure early entry-into-force (befitting a global crisis) and universalization of the treaty (bringing recalcitrant states on board), as well as the most daunting undertakings of destroying the tens of millions of mines already in the ground, and providing adequate assistance to landmine survivors and mine-affected communities. More than a year later, it is clear that very substantial progress is being made. The world is embracing the new, emerging international norm against the antipersonnel mine (APM).

Universalization

One hundred and thirty-five countries have signed or acceded to the Mine Ban Treaty as of 31 March 1999, including 13 since the Ottawa signing conference on 3-4 December 1997. Those 13 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. Bangladesh was the first South Asian nation to sign, Jordan the third Middle East nation, and Ukraine the second former Soviet republic. Ukraine has the world’s fifth largest stockpile of antipersonnel mines.

Every country in the Western Hemisphere has signed except the US and Cuba, every member of the European Union except Finland, every member of NATO except the US and Turkey, 40 of the 48 coun-

tries in Africa, and key Asian nations such as Japan, Thailand, and Indonesia. Heavily mine-affected states have signed, including Cambodia, Mozambique, Angola, Sudan, Ethiopia, Bosnia, and Croatia. Major past producers and exporters have signed, including Belgium, Bosnia, Bulgaria, Czech Republic, France, Hungary, Italy, and the United Kingdom.

Still, some fifty countries have not yet signed the treaty. This includes three of the five permanent members of the UN Security Council — the United States, Russia, and China. It includes most of the Middle East, most of the former Soviet republics, and many Asian nations. Major producers such as the US, Russia, China, India and Pakistan are not part of the treaty. Afghanistan, Somalia, Iraq, and Eritrea are the most heavily mine affected countries that have not signed. For the first two, however, there is no internationally recognized government capable of signing.

Yet, virtually all of the non-signatories have endorsed the notion of a comprehensive ban on antipersonnel mines at some point in time, and many have already at least partially embraced the Mine Ban Treaty. The United States reversed 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. Russia 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 antipersonnel mines. Likewise, India said in 1998 that it “remains committed to the goal of the eventual elimination of landmines.”

Ratification³/Entry into Force

Seventy-one nations have ratified the Mine Ban Treaty as of 31 March 1999 — more than half the signatories. Article 17 provides that the treaty shall enter into force on the first day of the sixth month after the 40th instrument of ratification has been officially deposited. Burkina Faso became number forty on 16 September 1998, 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. The exceptional pace of ratification has been due largely to the First Forty campaign of the ICBL and



Robert Massis-LSN

Her Majesty, Queen Noor of Jordan

Thirteen countries have signed the treaty since 1997, including Jordan, Bangladesh and Ukraine.

Of the 35 states which currently remain outside the treaty, almost all abide by its key provisions, indicating near-universal acceptance of the landmine ban.

The Mine Ban Treaty presently has a total of 161 States Parties. Of these, 132 signed and then ratified, 27 acceded, and two joined through the process of succession.

The Marshall Islands is the only signatory left to ratify, following Poland’s ratification in December 2012.

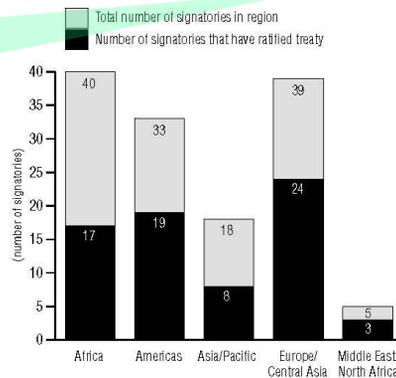
All 28 states of the European Union, all states in sub-Saharan Africa, and all but two states in the Americas have joined the treaty.

Nowhere in the world in 1998 and early 1999 were mines being laid on a very large scale and sustained basis.

Nearly all States Parties have submitted initial transparency reports detailing the steps taken to implement the treaty. Equatorial Guinea (due in 1999) and Tuvalu (due in 2012) have not submitted initial reports. The annual reporting rate has diminished in recent years with only 50-60% of States Parties submitting annual updates.

Previous editions of Landmine Monitor report have stated that there has never been a confirmed case of use of antipersonnel mines by a State Party since 1999. This achievement appears to be in jeopardy given the weight of evidence that has emerged that government forces in Yemen used antipersonnel mines in 2011. Allegations of use by Sudan and Turkey require further clarification.

RATIFICATION BY REGION



dedicated efforts by the International Committee of the Red Cross (ICRC), UNICEF, and governments such as Canada and Norway.

Regionally, 17 of 40 signatories in Africa have ratified; 19 of 33 in the Americas; 8 of 18 in Asia/Pacific; 24 of 39 in Europe/Central Asia; and, 3 of 5 in Middle East/North Africa.

Statements and actions on the part of several signatory countries have raised the possibility that these nations are not committed to ratifying the treaty in the near future. Among them are: Angola, Guinea-Bissau, Rwanda, Sudan; Colombia; Bangladesh, Brunei; Greece, Lithuania, and Poland.

The Mine Ban Treaty is now binding international law. For the first forty nations that ratified, they are now required to report to the 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).

For those who were not among the first forty ratifiers, the treaty enters into force on the first day of the sixth month after the date on which that State deposited its instrument of ratification. That State is then required to make its implementation report within 180 days, destroy stockpiled mines within four years, and destroy mines in the ground within 10 years.

Global Use of Antipersonnel Mines

Article 1. General Obligations. 1. Each State Party undertakes never under any circumstances: (a) To use anti-personnel mines;.... (c) To assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Convention.

The most disturbing finding of this first Landmine Monitor Report is that at least three treaty signatories, Angola, Guinea-Bissau, and Senegal, apparently used antipersonnel mines in 1998, after signing the treaty.

1998	1 June: Landmine Monitor established — Oslo, Norway
	15–18 September: Landmine Monitor meeting — Dublin, Ireland
	16 September: 40 th ratification (Burkina Faso)
1999	1–2 December: Landmine Monitor researchers meeting — Ottawa, Canada
	3–4 December: One year since Mine Ban Treaty opened for signature
	3 December: Amended landmines protocol of CCW enters into force
2000	1 March: Entry into force MBT
	2–3 March: Landmine Monitor researchers meeting — Oslo, Norway
	May: First annual report of Landmine Monitor released
2001	3–7 May: First meeting of States Parties — Maputo, Mozambique
	27 August: Deadline for states' reports to UN Secretary-General (Article 7, MBT)
	Second annual report of Landmine Monitor released
2002	Second meeting of States Parties in Geneva, Switzerland, 11–15 September
	Third annual report of Landmine Monitor released
	Third meeting of States Parties
2003	Second review conference of the CCW amended landmines protocol
	Fourth annual report of Landmine Monitor released
	Fourth meeting of States Parties
2009/2008	1 March: Deadline for destruction of stockpiled antipersonnel mines (Article 4, MBT)
	Fifth annual report of Landmine Monitor released
	First review conference of MBT
2009/2008	Second review conference of MBT
	Deadline for destruction of antipersonnel mines in mined areas (Article 5, MBT)

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. U.S. government mine experts in 1993 estimated that more than 65 million antipersonnel landmines were emplaced in the previous fifteen years, an average of more than four million per year.⁴ In the mid-1990s,

The only government that appears to have used antipersonnel mines continuously in the 1999-2013 period is Myanmar (Burma).

The most extensive use of antipersonnel mines occurred on the border between India and Pakistan in 2001-2002.

the United Nations and the US government estimated that some 2.5 million mines per year were being planted, while only 80,000 per year were being removed through mine clearance.⁵ The notion that mines were being laid at a much greater rate than being removed was one that few disputed.

Today, that notion apparently no longer holds true. In its 1998 *Hidden Killers* report, the U.S. State



Philip C. Winslow

Landmine survivors in Luena, Angola

Department said, "Landmines are not being planted at as high a rate as estimated in 1994, certainly well below 2.5 million each year. By most expert assessments, more landmines are in fact being taken out of the ground than are being planted."⁶ The US did not provide estimates of numbers laid or removed, but it appears that we have turned the tide in the battle against mines, and that it is possible to solve the AP mine crisis in years not decades.

As the country reports in this Landmine Monitor Report attest, *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.

It seems certain, however, that at least three treaty signatories, Angola, Guinea-Bissau, and Senegal, used antipersonnel mines in 1998, after signing the treaty. Angola continues to use them to this day. While the ICBL condemns any use of AP mines, 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,⁷ 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. In the complicated conflict in the Democratic Republic of Congo, there have been allegations of other signatories and ratifiers using mines since December 1997, but none are confirmed, and all are denied by the accused governments: Rwanda, Uganda, and Zimbabwe. 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 antipersonnel mines in the following:

Africa

Angola: government and rebels
Djibouti: rebels
Guinea-Bissau: government, rebels, Senegalese forces
Somalia: various factions
Uganda: rebels

Americas

Colombia: various rebel groups

Asia-Pacific

Afghanistan: opposition forces
Burma: government and various rebel groups
Sri Lanka: government and rebels

Europe/Central Asia

Georgia: partisans (in Abkhazia)
Turkey: government and rebels
FR Yugoslavia: government and rebels

Middle East/North Africa

Lebanon: Israel and non-state actors in occupied south Lebanon

There have also been frequent allegations of new mine use in this period in: (1) Democratic Republic of Congo by government, rebels, and foreign armies (Angola, Rwanda, Uganda, Zimbabwe); (2) Eritrea by government forces; (3) Sudan by government and rebels; (4) Afghanistan by Taliban; (5) Cambodia, particularly by opposition forces; (6) Georgia by Abkhazian partisans; and (7) Tajikistan by rebels.

Global Production of Antipersonnel Mines

Article 1. General Obligations. 1. Each State Party undertakes never under any circumstances: (b) To develop, produce, otherwise acquire...anti-personnel mines; (c) To assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Convention.

Landmine Monitor research did not uncover any evidence of new production of antipersonnel mines by treaty signatories. Treaty signatories Albania and Colombia were for the first time identified as producers, but both have stopped the manufacture of APMs.

In 1993 Human Rights Watch reported that, according to U.S. government estimates, global production of AP mines totaled at least 190 million antipersonnel mines for the twenty-five year period from 1968-1993, with the average declining to about five million per year in 1988-1993.⁸ While it is impossible to even estimate the number of mines produced in any one year, it seems certain that in recent years global production does not begin to approach five million APMs per year.

The number of APM producers has dropped dramatically, from 54 to 16. The 38 who have stopped production include a majority of the big producers in

Other states confirmed to have used antipersonnel mines since 1999 include Eritrea, Ethiopia, Georgia, Iraq, Kyrgyzstan, Israel, Libya, Nepal, Russia, Sri Lanka, Syria, and Uzbekistan.

The number of APM producers has dropped dramatically, from 54 to 16. The 38 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.

20 years on it is still the case that more landmines are cleared than are being laid.

The Monitor currently identifies 12 states as producers of antipersonnel mines.



Brazil Guide

PMN antipersonnel mine

Eight of the twelve biggest producers and exporters over the past thirty years have signed the treaty and stopped production.

Most of these countries are not actively producing mines but reserve the right to do so. Active production may be ongoing in as few as four countries: India, Myanmar, Pakistan, and South Korea.

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: Belgium, Bosnia, Bulgaria, Czech Republic, France, Hungary, Italy, and the United Kingdom.⁹ Other significant producers that have signed include Germany, Croatia, Chile, and Brazil.

Two non-signatories have stopped production: Israel (apparently in 1997) and Finland (in 1981). Of the 36 former producers who have signed the Mine Ban Treaty, seventeen had no production restrictions in place, even in terms of policy declarations, prior to signing the treaty.

Of the 16 who are still producers, eight are in Asia (Burma, China, India, North Korea, South Korea, Pakistan, Singapore, and Vietnam), three are in Europe (Russia, Turkey, FR Yugoslavia), three are in the Middle East (Egypt, Iran, Iraq), two are in the Americas (Cuba, US), and none are in Africa.

Several of the 16 producers have not actually manufactured AP mines in a number of years. 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 Russia 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 US 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.

According to the information provided to Landmine Monitor researchers, none of the former Soviet republics, except Russia, are producing antipersonnel mines. It has been reported that Ukraine and Belarus and perhaps other republics inherited and utilized AP mine production facilities from the Soviet Union, but they all deny any new production since gaining independence.

Antipersonnel Landmine Producers

TOTAL: 16 producers

- Burma
- China
- Cuba
- ~~Egypt~~
- India
- Iran
- ~~Iraq~~
- North Korea
- South Korea
- Pakistan
- Russia
- Singapore
- ~~Turkey~~
- United States
- Vietnam
- ~~FR Yugoslavia~~

- Colombia
- Croatia
- Czech Republic
- Denmark
- Finland (treaty non-signatory)
- France
- Germany
- Greece
- Hungary
- Israel (treaty non-signatory)
- Italy
- Japan
- Netherlands
- Nicaragua
- Norway
- Peru
- Philippines
- Poland
- Portugal
- Romania
- South Africa
- Spain
- Sweden
- Switzerland
- Taiwan (treaty non-signatory)
- Thailand
- Uganda
- United Kingdom
- Zimbabwe

Former Antipersonnel Landmine Producers

TOTAL: 38 former producers

- Albania
- Argentina
- Austria
- Belgium
- Bosnia
- Brazil
- Bulgaria
- Canada
- Chile

Others who have been identified as producers by US Government and others, but who deny current or past production: Belarus, Cyprus, Namibia, Ukraine, Venezuela.

Even though production has stopped in many countries, Landmine Monitor researchers could find little evidence that nations are engaging in “programmes for the conversion or de-commissioning of anti-personnel mine production facilities,” as called for in the Mine Ban Treaty.

Global Trade in Antipersonnel Mines

Article 1. General Obligations. 1. Each State Party undertakes never under any circumstances: (b) To...otherwise acquire,...or transfer to anyone, directly or indirectly, anti-personnel mines; (c) To assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Convention.

Article 3. Exceptions. 1. Notwithstanding the general obligations under Article 1, the retention or transfer of a number of anti-personnel mines for the development of and training in mine detection, mine clearance, or mine destruction techniques is permitted....

2. The transfer of anti-personnel mines for the purpose of destruction is permitted.

Landmine Monitor research did not find evidence of antipersonnel mine exports or imports by treaty signatories, though some allegations have been made.

When the world began to turn its attention to the landmine crisis in earnest, the export of mines was readily identified as one of the fundamental underlying problems contributing to the crisis. With few exceptions (most notably the former Yugoslavia), the nations most affected by antipersonnel mines were not themselves producers. All of the mines had been supplied from the outside. This was true of Cambodia, Afghanistan, Mozambique, Angola, and more. Though in some of these cases the problem was not so much the export/import of mines as the use of mines by foreign forces, the international community quickly coalesced around the notion that halting the export of mines would be a major step forward in checking the landmine crisis. Thus, the first significant steps in the movement to ban mines, both on the national and international levels, dealt with export, notably the US export moratorium in 1992 (soon followed by France and others) and the United Nations call for formal export moratoria (UNGA Resolution 48/75 K of 16 December 1993).

Based on the information collected for Landmine Monitor, there are 34 nations that have exported antipersonnel landmines in the past. Today, all of those nations with the exception of Iraq have at the 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 (USA), four have a moratorium in place (Israel, Pakistan, Singapore and Russia), and six have made declaratory statements that they no longer export (China, Cuba, Egypt, Iran, Vietnam, FR Yugoslavia).¹⁰ It is possible, of course, that some of these nations

continue to export APMs despite their public policy pronouncements.

Landmine Monitor researchers have not identified a single significant shipment of antipersonnel mines from one nation to another in 1998 and early 1999. This does not mean that no AP mines 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 4 years. A de facto global ban on export already seems to be in place; a norm against APM supply seems to already have taken hold. The days when a country like Italy would ship millions of mines to Iraq over the course of just a few years appear to be over.

Thus, when critics say that the Mine Ban Treaty does not include major mine exporters, they are wrong on two counts: there are no major exporters today, and most of the major exporters of the past have signed the treaty.

In 1998 and again in 1999 some nations are attempting to get agreement to begin negotiations on an antipersonnel mine transfer ban in the Conference on Disarmament. In 1998 Australian Ambassador John Campbell was appointed Special Coordinator to examine the possibility of the CD taking up a mine transfer ban. He could not find a consensus. Another attempt is being made in 1999. In February, twenty-two nations made a joint call for the CD to re-appoint a Special Coordinator, “with a view to the early establishment of an Ad Hoc Committee” to negotiate a mine transfer ban.¹¹ The 22 were: Argentina, Australia, Belgium, Bulgaria, Chile, Finland, France, Germany, Greece, Hungary, Italy, Japan, Poland, Romania, Russia, Slovakia, Spain, Turkey, Ukraine, United Kingdom, United States, Venezuela. The ICBL has expressed its strong opposition to such negotiations in the CD, believing that the potential negative impact far outweighs the potential benefits. Foremost, the ICBL has argued that a proliferation of international legal instruments on AP mines, particularly limited ones, undercuts the establishment of an international norm against any possession or use of AP mines. An ICBL position paper on this issue is available.¹²

Global Stockpiles of Antipersonnel Mines

Article 1. General Obligations. 1. Each State Party undertakes never under any circumstances:(b) To...acquire, stockpile, retain...anti-personnel mines; (c)To assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Convention.

Article 4. Destruction of stockpiled anti-personnel mines. Except as provided for in Article 3, each State Party undertakes to destroy or ensure the destruction of all stockpiled anti-personnel mines it owns or possesses, or that are under its jurisdiction or control, as soon as possible but not later than

A de facto global ban on the transfer of antipersonnel mines has been in effect since the mid-1990s. A low level of illicit trade and of unacknowledged or denied trade has continued.

When critics say that the Mine Ban Treaty does not include major mine exporters, they are wrong on two counts: there are no major exporters today, and most of the major exporters of the past have signed the treaty.

The Conference on Disarmament never took any action on antipersonnel landmines and has not undertaken any substantive work since 1996.

The abrupt appearance of mine types not previously encountered in Sudan and Yemen in 2011 raises the specter that some form of illicit market for antipersonnel mines exists.

Landmine Monitor estimates that there are more than 250 million antipersonnel mines stored in the arsenals of 108 countries. These mines must be destroyed before they have a chance to get into the ground.

A total of 87 States Parties have completed the destruction of their stockpiled antipersonnel mines, destroying more than 47 million mines since 1999.

Albania, Belarus, Finland, France, Germany, Greece, Italy, Japan, Poland, Romania, Serbia, Switzerland, Sweden, Turkmenistan, Ukraine, United Kingdom each stockpiled more than one million mines.

Former Exporters of Antipersonnel Mines

Landmine Monitor has identified 34 countries that have exported antipersonnel mines in the past. All of these, with the exception of IRAQ, have halted exports either by virtue of having signed the Mine Ban Treaty (22), instituted a unilateral ban (1) or moratorium (4), or made a declarative statement of “no export” (6). It is, of course, possible that some of these nations continue to export APMs despite their public policy against it, but Landmine Monitor is not aware of any significant exports of antipersonnel mines in recent years.

Mine Ban Treaty Signatories

Argentina	Greece
Austria	Hungary
Belgium	Italy
Bosnia	Poland
Brazil	Portugal
Bulgaria	Romania
Canada	South Africa
Chile	Spain
Czech Republic	Sweden
France	United Kingdom
Germany	Zimbabwe

Note: Many treaty signatories already had unilateral export bans or moratoria in place.

Non-Signatories with Ban on Exports

United States

Non-Signatories with Moratorium on Exports

Israel
Russia (non-detectable, non-self-destruct only)
Pakistan
Singapore

Non-Signatories with Declaration of “No Export”

Iran
China (non-detectable, non-self-destruct only)
Vietnam
Cuba
FR Yugoslavia
Egypt

Known Exporters Without Export Moratorium or Declaration:

Iraq

Known Producers Without Export Moratorium or Declaration:

Burma, North Korea, ~~Iraq~~

Producers (past and current) Not Known to Export:

Albania, Burma, Colombia, Croatia, Denmark, Finland, Japan, India, North Korea, South Korea, Netherlands, Nicaragua, Norway, Peru, Philippines, Poland, Switzerland, Taiwan, Thailand, Turkey, Uganda.

(Of these, Burma, Finland, India, Iraq, DPRK, ROK, Taiwan, Turkey are treaty non-signatories. Finland, India, ROK, Taiwan, and Turkey have comprehensive export moratoria in place).

four years after the entry into force of this Convention for that State Party.

In the past year, a good deal has been written about early over-estimates of the number of mines planted in the ground globally. Lost in that discussion is a fact that emerges from Landmine Monitor research: the common estimate of the number of antipersonnel mines stockpiled by nations (100 million) appears to be dramatically low.

Landmine Monitor estimates that there are more than 250 million antipersonnel mines stored in the arsenals of 108 countries. These mines must be destroyed before they have a chance to get into the ground. The ICBL calls for a major effort to eradicate APM stockpiles, as well as those already planted — to engage in *preventive mine action*.

The largest stockpiles are held by China (110 million), Russia (60-70 million), Belarus (unknown, but likely tens of millions), US (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, United Kingdom, France, Spain, and Greece. Italy, Sweden, UK, France, Spain, and Ukraine are in the process of destroying their mines. 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.

Landmine Monitor research shows that more than 12 million antipersonnel mines 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. (Note: many of these are keeping a small number of mines for training, as permitted under the treaty).

Another eighteen signatories are already in the process of destruction: Cambodia, Czech Republic, Denmark, France, Hungary, Italy, Mali, Moldova, Netherlands, Nicaragua, Portugal, Spain, Sweden, Yemen, Uganda, Uruguay, Ukraine, United Kingdom. Other signatories and ratifiers are in the planning process.

In addition, several non-signatories have recently destroyed significant numbers of AP mines. Perhaps most notably, the United States has destroyed 3.3 million AP mines as part of its commitment to eliminate use of dumb mines everywhere but Korea. Russia has destroyed 500,000 mines that were not compliant with new CCW requirements.

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. While many nations have not yet revealed the number of AP mines 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.¹³ The ICBL has repeatedly questioned the need for live mines for training.

Global Stockpiles of Antipersonnel Mines

China	110 million (e)
Russia	60-70 million (e)
Belarus	Millions*
USA	11 million
Ukraine	10 million (being destroyed)
Italy	7 million (being destroyed)
India	4-5 million (e)
Sweden	3 million (e) (being destroyed)
Albania	2 million (e)
South Korea	2 million (e)
Japan	1 million (being destroyed)

(e): estimate

*Belarus has acknowledged "millions" in stockpile. However, it has estimated cost of destruction at "tens of millions," which likely means that tens of millions of AP mines are in stockpile.

Landmine Monitor has identified 108 countries with antipersonnel mine stockpiles. Many are in the process of destruction, such as the UK (850,000), France (650,000) and Spain (595,000). Others believed to have large stockpiles, possibly larger than some listed above, include Iraq, Iran, FR Yugoslavia, Pakistan, Egypt, Israel, Greece, Vietnam, Angola and others.

Estimated Global Total: More than 250 million Antipersonnel Mines in Stockpiles

Special Issues of Concern

Antivehicle Mines with Antihandling Devices

During the Oslo negotiations, the ICBL identified as "the major weakness in the treaty" the sentence in the Article 2.1 definition of antipersonnel mine that exempts antivehicle mines equipped with antihandling devices: "Mines designed to be detonated by the presence, proximity or contact of a vehicle as opposed to a person, that are equipped with antihandling devices, are not considered anti-personnel mines as a result of being so equipped."

At the time, the ICBL stated that "the Campaign believes that the definition of an antipersonnel mine should be based on its effect rather than its design.... A mine with an antihandling device is going to function as an antipersonnel 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."¹⁴

While disappointed that this exemption was not removed, the ICBL was pleased that a diplomatic understanding on this matter was reached. In its closing statement to the Oslo conference, the ICBL said, "The International Campaign thinks it is important to stress that in both the working group on definitions and in the Committee of the Whole, delegates made it clear for the diplomatic record that antivehicle mines equipped with antihandling devices that explode from an innocent, unintentional act are to be considered as antipersonnel mines and therefore banned by this treaty."¹⁵

The ICBL is concerned that there has not been adequate recognition of this diplomatic understanding, nor discussion of its practical implications. States Parties need to be more explicit about what types of mines and antihandling devices, and what deployment methods, are permissible and prohibited.

In addition to remotely-delivered, surface laid antivehicle mines in general, the ICBL is particularly concerned about antivehicle mines that utilize tilt rods, tripwires, breakwires, or sensitive magnetic influence fuzes. It seems clear that antivehicle 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. (Canada destroyed the tilt rod fuzes from its M21 antivehicle mines). It also appears that at least some, if not all, antivehicle mines with magnetic influence fuzes might be exploded by an unintentional act by an individual. This is an issue that needs to be addressed explicitly and urgently by States Parties.

The ICBL has also expressed concern that the Mine Ban Treaty does not define "antivehicle mine." At the least, States Parties should agree on a minimum amount of pressure necessary to explode a pressure-activated antivehicle 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, relatively few of the 71 governments that have signed and ratified the treaty have passed domestic laws implementing the treaty. The 14 governments with implementation legislation include: Austria, Australia, Belgium, Canada, France, Germany, Guatemala, Ireland, Italy, Japan, New Zealand, Norway, Switzerland, and the United Kingdom. Some governments have indicated that they do not believe

Eighty-one States Parties have declared that they do not retain any antipersonnel mines, including 29 states that stockpiled antipersonnel mines in the past.

States Parties need to be more explicit about what types of mines and antihandling devices, and what deployment methods, are permissible and prohibited.

28 States Parties have expressed the view that any mine, despite its label or design intent, capable of being detonated by the unintentional act of a person is an antipersonnel mine and is prohibited.

63 States Parties have enacted legislation implementing the treaty.

44 States Parties have declared that they will not participate in planning and implementation of activities related to the use of antipersonnel mines in joint operations with a state not party to the Mine Ban Treaty who may use antipersonnel mines.

The ICBL calls on treaty signatories to insist that any non-signatories do not use antipersonnel mines in joint operations.

A general, albeit informal, understanding of how Article 1 applies to joint military operations and the meaning of “assist” has emerged during the years of discussion. More specifically, a prevailing view has emerged that States Parties may not:

- participate in the planning for use of antipersonnel mines;
- agree to rules of engagement that permit use of the weapon;
- accept orders to use, request others to use, or train others to use the weapon;
- knowingly derive military benefit from the use of the weapon by others; or
- provide security, storage, or transportation for antipersonnel mines.

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 treaty Article 1 ban on assistance with a prohibited act by a non-signatory.

Joint Operations

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 antipersonnel mines. As has been noted by Australia and the UK, 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 antipersonnel mines, in that they contemplate a situation in which treaty States Parties fight alongside an ally that continues to use antipersonnel mines.

Australia submitted a “National Declaration” with its ratification instrument stating that “the participation by the Australian Defence Force...in such operations, exercises or other military activity conducted in combination with the armed forces of States not party to the Convention which engage in activity prohibited under the Convention would not by itself, be considered to be in violation of the Convention.”

Canada appended an “Understanding” to its ratification instrument stating that “mere participation by the Canadian Forces...in operations, exercises or other military activity conducted in combination with the armed forces of States not party to the Convention which engage in activity prohibited under the Convention would not, by itself, be considered to be assistance, encouragement, or inducement” under the terms of the treaty.

New Zealand’s Antipersonnel Mines Prohibition Act allows a member of the armed forces “to participate in operations, exercises, or other military activities with armed forces of a state not a party to the Convention that engage in conduct prohibited by [the Act and Convention] if that participation does not amount to active assistance in the prohibited conduct.”

The United Kingdom’s Landmines Act Section 5 similarly provides a defense for those who participate in a military operation “wholly or mainly outside of the United Kingdom” and “in the course of which there is or may be some deployment of antiperson-



The White House, Washington DC, USA, 1 March 1999

John Rostand

nel mines by members of the armed forces of one or more States that are not parties to the Ottawa Convention...”

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, there is serious concern about the consistency of these provisions and statements with the treaty’s Article 1 obligation for a State Party “never under any circumstance...[t]o assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Convention.” The ICBL is concerned that these provisions and statements go against the spirit of a treaty aimed at an end to all possession and use of antipersonnel mines. 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 any non-signatories do not use antipersonnel mines in joint operations.

“Active Assistance”

In this context, the question has been raised as to what “assist” means in the treaty’s Article 1. A number of governments have interpreted this to mean “active” or “direct” assistance in actual laying of mines, and not other types of assistance in joint operations, such as provision of fuel or security. This narrow interpretation of assistance is of concern to the ICBL; in keeping with the spirit of a treaty aimed at total eradication of the weapon, interpretation of assistance should be as broad as possible.

Stockpiling and Transit of Foreign APMs

The United States has antipersonnel landmines stored in at least seven nations which have signed the Mine Ban Treaty (Germany, Greece, Italy, Japan, Norway, Spain, United Kingdom). The U.S. has engaged in discussions with these nations in an effort to convince them that it is permissible under the treaty to allow U.S. 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 U.S. (or any other government or entity) to stockpile antipersonnel mines on their territory.

On a related issue, the United States has also discussed with a number of treaty signatories the permissibility of the U.S. 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 U.S. (or other) aircraft, ships or vehicles carrying antipersonnel mines could pass through (and presumably depart from, refuel in, 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 willfully permits transit of APMs which 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.

Mines Retained For Training Purposes

During the Oslo negotiations, technical experts from the ICBL questioned the need for the Article 3 exception permitting retention (and transfer) of antipersonnel mines "for the development of and training in mine detection, mine clearance, or mine destruction techniques...." In its closing statement to the Oslo conference, the ICBL noted that "a number of governments also indicated for the diplomatic record that in Article 3, the 'minimum number absolutely necessary' for training mines should be hundreds or thousands, not tens of thousands or more." It appears that at least a few governments have decided to retain 10,000 or more mines under Article 3. The ICBL believes that it is important not only to have complete transparency on this, but also to continue to evaluate the necessity for the exception and the potential need for an absolute numerical limitation.

Italy, Norway, and Spain required the US to remove US stocks on their soil. Tajikistan has reported since 2003 that it was negotiating with Russia regarding removal of its 18,200 stockpiled mines.

32 States Parties have declared they prohibit transfer through, foreign stockpiling on, or authorizing foreign antipersonnel mines on national territory.

The ICBL believes that if a State Party willfully permits transit of APMs which 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.

Finland, Turkey, and Bangladesh each retain more than 12,000 mines.

A total of 75 States Parties have reported that they retain antipersonnel mines for training and research purposes. Six retain between 5,000 and 7,000; 35 retain between 1,000 and 5,000; and, 31 retain less than 1,000.

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