

The Ottawa Convention at a Glance

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The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, typically referred to as the “Ottawa Convention” or “Mine Ban Treaty,” seeks to end the use of anti-personnel landmines (APLs) worldwide. It was opened for signature on December 3, 1997, and it entered into force on March 1, 1999. By December 1, 2005, 147 states had become party to the accord, and another seven countries had signed but not ratified it. However, major powers, such as the United States,¹ Russia and China, have not signed the treaty, and few countries in key regions of tension, namely the Middle East and South Asia, have opted to participate. Millions of mines are estimated to be planted in the ground of roughly 60 countries and global APL stockpiles are thought to total more than 170 million mines.

Prohibitions: States-parties commit to not using, developing, producing, acquiring, retaining, stockpiling, or transferring anti-personnel landmines, which are defined by the treaty as mines “designed to be exploded by the presence, proximity or contact of a person and that will incapacitate, injure or kill one or more persons.” APLs that are remotely triggered, such as claymores, are not proscribed, nor are anti-vehicle mines, including those equipped with anti-handling devices, which are designed to protect anti-vehicles mines from being tampered with or moved.

APL Destruction: Each state-party is expected to destroy all APLs stockpiled in arsenals, except those retained for demining training, within four years of becoming bound by the treaty. Within 10 years of its entry into force date, each country is required to destroy all APLs under its jurisdiction and control, including those planted in the soil. A country may request renewable extensions of up to 10 years to complete this destruction task. A majority of participants at a meeting of states-parties or review conference must approve an extension request. States-parties are expected to mark and monitor all suspected or known mined areas until they are cleared. As of December 2004, states-parties have destroyed roughly 37 million APLs. More than 140 states-parties have either completed their stockpile destruction or have never possessed APLs.

Cooperation and Assistance: The treaty calls on any state-party “in a position to do so” to assist other states-parties in aiding mine victims, providing demining assistance, and helping with mine destruction. States-parties are expected to be as helpful as possible in making sure all states-parties have access to equipment, material, and scientific and technological information for implementing the treaty without “undue restrictions.”

Transparency: Each state-party is to provide the United Nations with a comprehensive report on the numbers, types, and locations of all APLs under its control as well as the status of all programs for destroying APLs. An initial report is required 180 days after the treaty becomes legally binding for each state-party, and thereafter reports are expected annually by April 30.

Compliance: The treaty did not create an implementation or verification body or outline punitive measures for noncompliance. A state-party may question the compliance of another state-party, and a special meeting of states-parties can be convened to address the allegation. States-parties can establish a fact-finding mission to investigate the alleged noncompliance and, if necessary, call on the state-party in question to address the compliance issue.

Amendment and Withdrawal: Treaty amendments can be proposed, and then approved by two-thirds of all states-parties attending a special amendment conference. A state-party may withdraw from the treaty six months after submitting an instrument of withdrawal, though it will not take effect if the country is engaged in armed conflict.

NOTES

1. The George W. Bush administration announced February 27, 2004 that the United States would not join the Ottawa Convention. U.S. landmine policy had been under review since the summer of 2001. The Clinton administration had stated that the United States would sign the Ottawa Convention by 2006 if the Pentagon could identify and field suitable alternatives to U.S. anti-personnel landmines and mixed systems, which are comprised of both anti-personnel and anti-vehicle components, by that time.

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