The Ottawa Landmine Treaty

Analysis and Text

On September 18, the 90 some countries participating in the Ottawa Process, the Canadian led effort to negotiate a global ban on anti personnel landmines (APLs), accepted a final treaty text that supporting states are expected to sign in Ottawa in early December. Formally titled the "Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti Personnel Mines and on Their Destruction," the Ottawa treaty is a succinct legal instrument that will obligate each state party to eliminate landmines from its offensive arsenal and territory within a timebound framework.

While supporting states view the convention as establishing a new legal norm to address the serious humanitarian crisis caused by landmines, many countries, including the United States, Russia and China as well as states in regions of tension such as the Middle East and South Asia, remain outside the Ottawa Process. Advocates of the Ottawa Process hope the treaty's widespread support will create enough pressure to persuade "hold out" states to join the regime.

The treaty represents a significant achievement for the governments involved in the Ottawa Process, as well as for the vast network of international non governmental organizations (NGOs) that played a key role in generating support for a global APL ban. The Oslo meeting continued a process that is unprecedented in arms control history: the negotiation of a multilateral agreement, initiated by a group of like minded states and NGOs—outside the auspices of the United Nations and without the involvement of the major powers—that seeks a global ban on a major weapon of war.

Once the Ottawa treaty enters into force, which could occur as early as mid to late 1998, it would become the third international instrument to address anti personnel landmines. However, unlike the earlier agreements—the landmine protocol of the so called 1980 Convention on Conventional Weapons (CCW) and a revised version of the protocol approved in May 1996—which place limits on the use of APLs, the Ottawa treaty will obligate states parties to forswear APLs and to destroy their stockpiles as well as all APLs in mined areas.

Roughly 100 countries have indicated they will sign the Ottawa convention when it opens for signature December 3 4. (See p. 18.) Although nearly three quarters of the expected signatories of the Ottawa treaty are considered to be unaffected by landmines, some of the world's most mine plagued states are expected to sign, including Angola, Bosnia and Herzegovina, Cambodia, Croatia, El Salvador, Ethiopia, Mozambique and Sudan.

Just as most pro ban states claim the strength of the Ottawa treaty is derived from the comprehensive nature of the accord, many non supporting countries will likely remain outside of the "global norm" established by the Ottawa Process because of the regime's strictures. Among the likely non signatories are many of the world's principal producers whose militaries consider landmines an essential defensive weapon. In addition to the United States, Russia and China, other likely non signatories in December are India, Pakistan, Greece, Turkey, Iran, Iraq, Egypt, Syria, Israel, Libya, Sri Lanka, North Korea, South Korea and the Republic of Yugoslavia.

For many non supporting states, particularly those which oppose the treaty's fixed timetable for landmine destruction, the Geneva based Conference on Disarmament (CD) is viewed as the appropriate venue where "complementary" efforts leading to a ban can be pursued. U.S. officials have often underscored the fact that more than half of the CD's 61 member states have not
committed to signing the Ottawa treaty in December and that those countries accounted for half or more of the world's "historical activity" with regard to anti personnel mines. All of the above mentioned likely non signatories are CD members except Greece and Libya.

According to the CD's special coordinator on landmines, Ambassador John Campbell of Australia, the negotiating mandate with the greatest support for next year's conference is a step by step approach that begins by addressing exports, imports and transfers. (See p. 32.) However, the CD's consensus based decision making and continuing differences over negotiating priorities make it unlikely that the conference will complete yet another landmine related accord any time soon.

The U.S. Endgame

During their final round of talks in Oslo, Norway, September 1 19, pro ban states overwhelmingly rejected last ditch U.S. attempts to amend the draft text's comprehensive ban on the production, stockpiling, use and transfer of all anti personnel mines. The United States attended the Oslo meeting as a full participant, the first time it had done so since the Ottawa Process began in October 1996. In announcing the U.S. move to negotiate at Oslo, Clinton administration officials made it clear that Washington would insist on several substantive changes to the draft treaty before the United States would become a signatory. Those changes initially included an exemption to the draft text's comprehensive scope to allow for the continued use of anti personnel mines on the Korean Peninsula, a revision of the draft's definition of an APL so as to permit the use of some U.S. anti tank weapons that incorporate anti personnel capabilities, and enhanced transparency measures.

Oslo conference participants, however, were resolute in rejecting any U.S. attempt to significantly alter the draft text. Although the U.S. delegation eventually dropped its proposed geographic exception for the Korean Peninsula and instead sought a nine year deferral period for certain treaty provisions that would have allowed, among other things, the continued stockpiling of mines in Korea, the U.S. delegation withdrew from talks after its subsequent proposals were also rejected.

Canadian Foreign Minister Lloyd Axworthy, who has spearheaded the Canadian led effort, said the pro ban states at Oslo "were not prepared to pay any price" for U.S. participation. "We have a treaty that in an unambiguous way bans anti personnel mines. We have support from every region in the world, and there are no exceptions and no loopholes," Axworthy said. "It really sets a new standard for a weapons treaty."

The Ottawa Treaty

When compared to other multilateral arms control treaties, the Ottawa treaty's 22 articles are a model of simplicity. Although lacking the extensive implementation, verification and compliance components contained in other major treaties, convention supporters share a strong commitment to realizing a near term global landmine ban.

The treaty's preamble stresses the determination of states parties to:

. . . put an end to the suffering and casualties caused by anti personnel mines, that kill or maim hundreds of people every week, mostly innocent and defenceless children, obstruct economic development and reconstruction, inhibit the repatriation of refugees and internally displaced persons, and have other severe consequences for years after emplacement.

Although the preamble welcomes the adoption of the CCW's landmine protocol, as amended, and calls for its early ratification by all states that have not already done so, it also emphasizes states parties' determination "to work strenuously towards the promotion of [the Ottawa treaty's] universalization in all relevant fora, including, inter alia, the United Nations, the Conference on
Treaty Scope: The Ottawa treaty's general obligations outlined in Article 1 are unambiguous: no APL use, development, production, acquisition, stockpiling or transfer to anyone, and a commitment to destroy all anti personnel mines. Articles 2's definition of an APL—"... a mine designed to be exploded by the presence, proximity or contact of a person"—excludes anti tank and anti vehicle mines that are equipped with "anti handling" devices to discourage tampering. The treaty definition of an anti handling device—"intended to protect a mine and which is part of, linked to, attached to or placed under the mine"—reflects the Oslo conference's rejection of a U.S. proposal to add "or near" the mine, a change which would have permitted the continued use of three U.S. anti tank systems that contain anti personnel components.

Exceptions: Article 3 of the treaty defines the two exceptions to the accord's general obligations. First, states parties are allowed to retain or transfer "the minimum number [of APLs] absolutely necessary" for the development of and training in mine detection, mine clearance and mine destruction techniques. Second, states parties may transfer APLs for the purpose of destruction.

Destruction: Under Article 4's destruction provision, with the exception of mines necessary for demining purposes, each state party must "destroy or ensure the destruction" of all stockpiled mines it "owns, possesses, or that are under its jurisdiction or control" within four years of the treaty's entry into force for that country. Article 5 requires each state party to destroy all APLs in mined areas "under its jurisdiction or control" within 10 years of the entry into force date for that country. Each party "shall make every effort" to identify areas where APLs are known or suspected to be emplaced, and ensure, as soon as possible, the areas are perimeter marked, monitored and protected by fencing or other means. A party may request an extension of up to 10 years to complete the destruction of emplaced APLs (as well as a renewal of the extension), but any request must be approved by a majority of states parties present at the vote. For mine infected countries such as Mozambique, where as many as 3 million mines may remain and only 30,000 have been removed in the past five years, the open ended destruction timetable for emplaced mines is essential.

Cooperation and Assistance: Article 6's provisions on international cooperation and assistance entitles each state party to seek and receive such aid, where feasible, from other parties. No party may impose "undue restrictions" on the provision of mine clearance equipment and related information for humanitarian purposes. The treaty formula for paying for demining, destruction and victim assistance is deliberately vague, as it requires only that each state party "in a position to do so" provide such assistance.

Transparency: Under Article 7, each party shall provide the UN secretary general (the treaty depositary), within 180 days after the treaty's entry into force for that state, a detailed report of its APL stockpiles, mined areas and steps taken to protect nearby populations, demining and destruction programs, destruction inventories, and technical characteristics of mines produced or possessed to facilitate mine clearance. These declarations will thereafter be made on an annual basis and will be transmitted to all states parties.

Compliance: Article 8 allows any state party to submit, through the secretary general, a "Request for Clarification" relating to compliance by another treaty party. In the absence of clarification, the issue may be brought before other states parties, possibly through a special meeting, to determine if the matter should be pursued further. A majority of voting parties may establish a fact finding mission which is to be granted access to areas, facilities and relevant persons related to its mission. Although treaty parties will seek to operate by consensus, states parties may request further action by a two thirds majority of voting parties.

Meetings and Amendments: Under Article 11, the secretary general must convene the first meeting of states parties within one year after the convention's entry into force to consider any issue involving treaty implementation. Thereafter these meetings will occur annually until the first review conference, which the secretary general will convene five years after the convention's entry into force (Article 12). Article 13 allows any state party to propose amendments to the convention any time after it enters into force. If a majority of states parties support its consideration, the secretary general will convene an amendment conference, which must approve any amendment by a two
thirds majority of voting states.

The costs of all meetings and conferences shall be borne by states parties and participating states (for example, as observers) according to the UN scale of assessment.

**Entry Into Force:** Article 17 stipulates that the convention will enter into force on the first day of the sixth month after the month in which the 40th instrument of ratification is deposited. For states which deposit their instruments after the date of deposit of the 40th instrument, entry into force shall occur on the first day of the sixth month after its date of deposit. Under Article 18, any state may, by declaration, apply provisionally the convention's prohibition on use (Article 1, Paragraph 1) at the time of ratification.

**Reservations and Withdrawal:** Article 19 states that no treaty article is subject to reservation. Article 20 mandates that the convention be of unlimited duration, but allows a right of withdrawal to take effect six months after the depositary receives the instrument of withdrawal. If a state party is engaged in an armed conflict at the end of the six month period, the withdrawal will not take effect "before the end" of the conflict.

The Ottawa treaty, may well set a precedent for future arms control negotiations undertaken by like minded states. The treaty may also serve to reinforce the humanitarian law principles that parties to an armed conflict do not possess an unlimited right to choose their methods or means of warfare and that a distinction must be made between civilians and combatants. Ultimately, the treaty's effectiveness as a global norm will depend on the actions of both non parties as well as states parties. While it is unclear whether the CD will be able to negotiate a complementary agreement that will include the world's major producers and users of landmines, the Ottawa Process has clearly demonstrated which countries now are on the sidelines of the effort to eliminate a weapon that uniquely endangers innocent civilians long after the fighting ends.

**Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti Personnel Mines and on Their Destruction Preamble**

The States Parties,

Determined to put an end to the suffering and casualties caused by anti personnel mines, that kill or maim hundreds of people every week, mostly innocent and defenceless civilians and especially children, obstruct economic development and reconstruction, inhibit the repatriation of refugees and internally displaced persons, and have other severe consequences for years after emplacement,

Believing it necessary to do their utmost to contribute in an efficient and coordinated manner to face the challenge of removing anti personnel mines placed throughout the world, and to assure their destruction,

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

Recognizing that a total ban of anti personnel mines would also be an important confidence building measure,

Welcoming the adoption of the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices, as amended on 3 May 1996, annexed 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, and calling for the early ratification of this Protocol by all States which have not yet done so,

Welcoming also United Nations General Assembly Resolution 51/45 S of 10 December 1996 urging...
all States to pursue vigorously an effective, legally binding international agreement to ban the use, stockpiling, production and transfer of anti personnel landmines,

Welcoming furthermore the measures taken over the past years, both unilaterally and multilaterally, aiming at prohibiting, restricting or suspending the use, stockpiling, production and transfer of anti personnel mines,

Stressing the role of public conscience in furthering the principles of humanity as evidenced by the call for a total ban of anti personnel mines and recognizing the efforts to that end undertaken by the International Red Cross and Red Crescent Movement, the International Campaign to Ban Landmines and numerous other non governmental organizations around the world,

Recalling the Ottawa Declaration of 5 October 1996 and the Brussels Declaration of 27 June 1997 urging the international community to negotiate an international and legally binding agreement prohibiting the use, stockpiling, production and transfer of anti personnel mines,

Emphasizing the desirability of attracting the adherence of all States to this Convention, and determined to work strenuously towards the promotion of its universalization in all relevant fora including, inter alia, the United Nations, the Conference on Disarmament, regional organizations, and groupings, and review conferences of 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,

Basing themselves on the principle of international humanitarian law that the right of the parties to an armed conflict to choose methods or means of warfare is not unlimited, on the principle that prohibits the employment in armed conflicts of weapons, projectiles and materials and methods of warfare of a nature to cause superfluous injury or unnecessary suffering and on the principle that a distinction must be made between civilians and combatants,

Have agreed as follows:

**Article 1: General obligations**

1. Each State Party undertakes never under any circumstances: a) To use anti personnel mines;

b) To develop, produce, otherwise acquire, stockpile, retain or transfer to anyone, directly or indirectly, anti personnel mines;

c) To assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Convention.

2. Each State Party undertakes to destroy or ensure the destruction of all anti personnel mines in accordance with the provisions of this Convention.

**Article 2: Definitions**

1. "Anti personnel mine" means a mine designed to be exploded by the presence, proximity or contact of a person and that will incapacitate, injure or kill one or more persons. Mines designed to be detonated by the presence, proximity or contact of a vehicle as opposed to a person, that are equipped with anti handling devices, are not considered anti personnel mines as a result of being so equipped.

2. "Mine" means a munition designed to be placed under, on or near the ground or other surface area and to be exploded by the presence, proximity or contact of a person or a vehicle.
3. "Anti handling device" means a device intended to protect a mine and which is part of, linked to, attached to or placed under the mine and which activates when an attempt is made to tamper with or otherwise intentionally disturb the mine.

4. "Transfer" involves, in addition to the physical movement of anti personnel mines into or from national territory, the transfer of title to and control over the mines, but does not involve the transfer of territory containing emplaced anti personnel mines.

5. "Mined area" means an area which is dangerous due to the presence or suspected presence of mines.

**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. The amount of such mines shall not exceed the minimum number absolutely necessary for the above mentioned purposes.

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

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

**Article 5: Destruction of anti personnel mines in mined areas**

1. Each State Party undertakes to destroy or ensure the destruction of all anti personnel mines in mined areas under its jurisdiction or control, as soon as possible but not later than ten years after the entry into force of this Convention for that State Party.

2. Each State Party shall make every effort to identify all areas under its jurisdiction or control in which anti personnel mines are known or suspected to be emplaced and shall ensure as soon as possible that all anti personnel mines in mined areas under its jurisdiction or control are perimeter marked, monitored and protected by fencing or other means, to ensure the effective exclusion of civilians, until all anti personnel mines contained therein have been destroyed. The marking shall at least be to the standards set out in the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices, as amended on 3 May 1996, annexed 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.

3. If a State Party believes that it will be unable to destroy or ensure the destruction of all anti personnel mines referred to in paragraph 1 within that time period, it may submit a request to a Meeting of the States Parties or a Review Conference for an extension of the deadline for completing the destruction of such anti personnel mines, for a period of up to ten years.

4. Each request shall contain:
a) The duration of the proposed extension;

b) A detailed explanation of the reasons for the proposed extension, including: (i) The preparation and status of work conducted under national demining programs;

(ii) The financial and technical means available to the State Party for the destruction of all the anti personnel mines; and

(iii) Circumstances which impede the ability of the State Party to destroy all the anti personnel mines in mined areas; c) The humanitarian, social, economic, and environmental implications of the extension; and

d) Any other information relevant to the request for the proposed extension. 5. The Meeting of the States Parties or the Review Conference shall, taking into consideration the factors contained in paragraph 4, assess the request and decide by a majority of votes of States Parties present and voting whether to grant the request for an extension period.

6. Such an extension may be renewed upon the submission of a new request in accordance with paragraphs 3, 4 and 5 of this Article. In requesting a further extension period a State Party shall submit relevant additional information on what has been undertaken in the previous extension period pursuant to this Article.

Article 6: International cooperation and assistance

1. In fulfilling its obligations under this Convention each State Party has the right to seek and receive assistance, where feasible, from other States Parties to the extent possible.

2. Each State Party undertakes to facilitate and shall have the right to participate in the fullest possible exchange of equipment, material and scientific and technological information concerning the implementation of this Convention. The States Parties shall not impose undue restrictions on the provision of mine clearance equipment and related technological information for humanitarian purposes.

3. Each State Party in a position to do so shall provide assistance for the care and rehabilitation, and social and economic reintegration, of mine victims and for mine awareness programs. Such assistance may be provided, inter alia, through the United Nations system, international, regional or national organizations or institutions, the International Committee of the Red Cross, national Red Cross and Red Crescent societies and their International Federation, non governmental organizations, or on a bilateral basis.

4. Each State Party in a position to do so shall provide assistance for mine clearance and related activities. Such assistance may be provided, inter alia, through the United Nations system, international or regional organizations or institutions, non governmental organizations or institutions, or on a bilateral basis, or by contributing to the United Nations Voluntary Trust Fund for Assistance in Mine Clearance, or other regional funds that deal with demining.

5. Each State Party in a position to do so shall provide assistance for the destruction of stockpiled anti personnel mines.

6. Each State Party undertakes to provide information to the database on mine clearance established within the United Nations system, especially information concerning various means and technologies of mine clearance, and lists of experts, expert agencies or national points of contact on mine clearance.

7. States Parties may request the United Nations, regional organizations, other States Parties or other competent intergovernmental or non governmental fora to assist its authorities in the
elaboration of a national demining program to determine, inter alia: a) The extent and scope of the anti personnel mine problem;

b) The financial, technological and human resources that are required for the implementation of the program;

c) The estimated number of years necessary to destroy all anti personnel mines in mined areas under the jurisdiction or control of the concerned State Party;

d) Mine awareness activities to reduce the incidence of mine related injuries or deaths;

e) Assistance to mine victims;

f) The relationship between the Government of the concerned State Party and the relevant governmental, inter governmental or non governmental entities that will work in the implementation of the program. 8. Each State Party giving and receiving assistance under the provisions of this Article shall cooperate with a view to ensuring the full and prompt implementation of agreed assistance programs.

Article 7: Transparency measures

1. Each State Party shall report to the Secretary General of the United Nations as soon as practicable, and in any event not later than 180 days after the entry into force of this Convention for that State Party on:

a) The national implementation measures referred to in Article 9;

b) The total of all stockpiled anti personnel mines owned or possessed by it, or under its jurisdiction or control, to include a breakdown of the type, quantity and, if possible, lot numbers of each type of anti personnel mine stockpiled;

c) To the extent possible, the location of all mined areas that contain, or are suspected to contain, anti personnel mines under its jurisdiction or control, to include as much detail as possible regarding the type and quantity of each type of anti personnel mine in each mined area and when they were emplaced;

d) The types, quantities and, if possible, lot numbers of all anti personnel mines retained or transferred for the development of and training in mine detection, mine clearance or mine destruction techniques, or transferred for the purpose of destruction, as well as the institutions authorized by a State Party to retain or transfer anti personnel mines, in accordance with Article 3;

e) The status of programs for the conversion or de commissioning of anti personnel mine production facilities;

f) The status of programs for the destruction of anti personnel mines in accordance with Articles 4 and 5, including details of the methods which will be used in destruction, the location of all destruction sites and the applicable safety and environmental standards to be observed;

g) The types and quantities of all anti personnel mines destroyed after the entry into force of this Convention for that State Party, to include a breakdown of the quantity of each type of anti personnel mine destroyed, in accordance with Articles 4 and 5, respectively, along with, if possible, the lot numbers of each type of anti personnel mine in the case of destruction in accordance with Article 4;

h) The technical characteristics of each type of anti personnel mine produced, to the extent known, and those currently owned or possessed by a State Party, giving, where reasonably possible, such
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categories of information as may facilitate identification and clearance of anti personnel mines; at a minimum, this information shall include the dimensions, fusing, explosive content, metallic content, colour photographs and other information which may facilitate mine clearance; and

i) The measures taken to provide an immediate and effective warning to the population in relation to all areas identified under paragraph 2 of Article 5. 2. The information provided in accordance with this Article shall be updated by the States Parties annually, covering the last calendar year, and reported to the Secretary General of the United Nations not later than 30 April of each year.

3. The Secretary General of the United Nations shall transmit all such reports received to the States Parties.

**Article 8: Facilitation and clarification of compliance**

1. The States Parties agree to consult and cooperate with each other regarding the implementation of the provisions of this Convention, and to work together in a spirit of cooperation to facilitate compliance by States Parties with their obligations under this Convention.

2. If one or more States Parties wish to clarify and seek to resolve questions relating to compliance with the provisions of this Convention by another State Party, it may submit, through the Secretary General of the United Nations, a Request for Clarification of that matter to that State Party. Such a request shall be accompanied by all appropriate information. Each State Party shall refrain from unfounded Requests for Clarification, care being taken to avoid abuse. A State Party that receives a Request for Clarification shall provide, through the Secretary General of the United Nations, within 28 days to the requesting State Party all information which would assist in clarifying this matter.

3. If the requesting State Party does not receive a response through the Secretary General of the United Nations within that time period, or deems the response to the Request for Clarification to be unsatisfactory, it may submit the matter through the Secretary General of the United Nations to the next Meeting of the States Parties. The Secretary General of the United Nations shall transmit the submission, accompanied by all appropriate information pertaining to the Request for Clarification, to all States Parties. All such information shall be presented to the requested State Party which shall have the right to respond.

4. Pending the convening of any meeting of the States Parties, any of the States Parties concerned may request the Secretary General of the United Nations to exercise his or her good offices to facilitate the clarification requested.

5. The requesting State Party may propose through the Secretary General of the United Nations the convening of a Special Meeting of the States Parties to consider the matter. The Secretary General of the United Nations shall thereupon communicate this proposal and all information submitted by the States Parties concerned, to all States Parties with a request that they indicate whether they favour a Special Meeting of the States Parties, for the purpose of considering the matter. In the event that within 14 days from the date of such communication, at least one third of the States Parties favours such a Special Meeting, the Secretary General of the United Nations shall convene this Special Meeting of the States Parties within a further 14 days. A quorum for this Meeting shall consist of a majority of States Parties.

6. The Meeting of the States Parties or the Special Meeting of the States Parties, as the case may be, shall first determine whether to consider the matter further, taking into account all information submitted by the States Parties concerned. The Meeting of the States Parties or the Special Meeting of the States Parties shall make every effort to reach a decision by consensus. If despite all efforts to that end no agreement has been reached, it shall take this decision by a majority of States Parties present and voting.

7. All States Parties shall cooperate fully with the Meeting of the States Parties or the Special Meeting
of the States Parties in the fulfilment of its review of the matter, including any fact finding missions
that are authorized in accordance with paragraph 8.

8. If further clarification is required, the Meeting of the States Parties or the Special Meeting of the
States Parties shall authorize a fact finding mission and decide on its mandate by a majority of
States Parties present and voting. At any time the requested State Party may invite a fact finding
mission to its territory. Such a mission shall take place without a decision by a Meeting of the States
Parties or a Special Meeting of the States Parties to authorize such a mission. The mission, consisting
of up to 9 experts, designated and approved in accordance with paragraphs 9 and 10, may collect
additional information on the spot or in other places directly related to the alleged compliance issue
under the jurisdiction or control of the requested State Party.

9. The Secretary General of the United Nations shall prepare and update a list of the names,
nationalities and other relevant data of qualified experts provided by States Parties and
communicate it to all States Parties. Any expert included on this list shall be regarded as designated
for all fact finding missions unless a State Party declares its non acceptance in writing. In the event
of non acceptance, the expert shall not participate in fact finding missions on the territory or any
other place under the jurisdiction or control of the objecting State Party, if the non acceptance was
declared prior to the appointment of the expert to such missions.

10. Upon receiving a request from the Meeting of the States Parties or a Special Meeting of the
States Parties, the Secretary General of the United Nations shall, after consultations with the
requested State Party, appoint the members of the mission, including its leader. Nationals of States
Parties requesting the fact finding mission or directly affected by it shall not be appointed to the
mission. The members of the fact finding mission shall enjoy privileges and immunities under Article
VI of the Convention on the Privileges and Immunities of the United Nations, adopted on 13 February
1946.

11. Upon at least 72 hours notice, the members of the fact finding mission shall arrive in the territory
of the requested State Party at the earliest opportunity. The requested State Party shall take the
necessary administrative measures to receive, transport and accommodate the mission, and shall be
responsible for ensuring the security of the mission to the maximum extent possible while they are
on territory under its control.

12. Without prejudice to the sovereignty of the requested State Party, the fact finding mission may
bring into the territory of the requested State Party the necessary equipment which shall be used
exclusively for gathering information on the alleged compliance issue. Prior to its arrival, the mission
will advise the requested State Party of the equipment that it intends to utilize in the course of its
fact finding mission.

13. The requested State Party shall make all efforts to ensure that the fact finding mission is given
the opportunity to speak with all relevant persons who may be able to provide information related to
the alleged compliance issue.

14. The requested State Party shall grant access for the fact finding mission to all areas and
installations under its control where facts relevant to the compliance issue could be expected to be
collected. This shall be subject to any arrangements that the requested State Party considers
necessary for:

a) The protection of sensitive equipment, information and areas;

b) The protection of any constitutional obligations the requested State Party may have with regard to
proprietary rights, searches and seizures, or other constitutional rights; or

c) The physical protection and safety of the members of the fact finding mission. In the event that
the requested State Party makes such arrangements, it shall make every reasonable effort to
demonstrate through alternative means its compliance with this Convention.

15. The fact finding mission may remain in the territory of the State Party concerned for no more
than 14 days, and at any particular site no more than 7 days, unless otherwise agreed.

16. All information provided in confidence and not related to the subject matter of the fact finding mission shall be treated on a confidential basis.

17. The fact finding mission shall report, through the Secretary General of the United Nations, to the Meeting of the States Parties or the Special Meeting of the States Parties the results of its findings.

18. The Meeting of the States Parties or the Special Meeting of the States Parties shall consider all relevant information, including the report submitted by the fact finding mission, and may request the requested State Party to take measures to address the compliance issue within a specified period of time. The requested State Party shall report on all measures taken in response to this request.

19. The Meeting of the States Parties or the Special Meeting of the States Parties may suggest to the States Parties concerned ways and means to further clarify or resolve the matter under consideration, including the initiation of appropriate procedures in conformity with international law. In circumstances where the issue at hand is determined to be due to circumstances beyond the control of the requested State Party, the Meeting of the States Parties or the Special Meeting of the States Parties may recommend appropriate measures, including the use of cooperative measures referred to in Article 6.

20. The Meeting of the States Parties or the Special Meeting of the States Parties shall make every effort to reach its decisions referred to in paragraphs 18 and 19 by consensus, otherwise by a two thirds majority of States Parties present and voting.

**Article 9: National implementation measures**

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 to a State Party under this Convention undertaken by persons or on territory under its jurisdiction or control.

**Article 10: Settlement of disputes**

1. The States Parties shall consult and cooperate with each other to settle any dispute that may arise with regard to the application or the interpretation of this Convention. Each State Party may bring any such dispute before the Meeting of the States Parties.

2. The Meeting of the States Parties may contribute to the settlement of the dispute by whatever means it deems appropriate, including offering its good offices, calling upon the States Parties to a dispute to start the settlement procedure of their choice and recommending a time limit for any agreed procedure.

3. This Article is without prejudice to the provisions of this Convention on facilitation and clarification of compliance.

**Article 11: Meetings of the States Parties**

1. The States Parties shall meet regularly in order to consider any matter with regard to the application or implementation of this Convention, including:
a) The operation and status of this Convention;

b) Matters arising from the reports submitted under the provisions of this Convention;

c) International cooperation and assistance in accordance with Article 6;

d) The development of technologies to clear anti personnel mines;

e) Submissions of States Parties under Article 8; and

f) Decisions relating to submissions of States Parties as provided for in Article 5.

2. The First Meeting of the States Parties shall be convened by the Secretary General of the United Nations within one year after the entry into force of this Convention. The subsequent meetings shall be convened by the Secretary General of the United Nations annually until the first Review Conference.

3. Under the conditions set out in Article 8, the Secretary General of the United Nations shall convene a Special Meeting of the States Parties.

4. States not parties to this Convention, as well as the United Nations, other relevant international organizations or institutions, regional organizations, the International Committee of the Red Cross and relevant non governmental organizations may be invited to attend these meetings as observers in accordance with the agreed Rules of Procedure.

Article 12: Review Conferences

1. A Review Conference shall be convened by the Secretary General of the United Nations five years after the entry into force of this Convention. Further Review Conferences shall be convened by the Secretary General of the United Nations if so requested by one or more States Parties, provided that the interval between Review Conferences shall in no case be less than five years. All States Parties to this Convention shall be invited to each Review Conference.

2. The purpose of the Review Conference shall be:

a) To review the operation and status of this Convention;

b) To consider the need for and the interval between further Meetings of the States Parties referred to in paragraph 2 of Article 11;

c) To take decisions on submissions of States Parties as provided for in Article 5; and

d) To adopt, if necessary, in its final report conclusions related to the implementation of this Convention.

3. States not parties to this Convention, as well as the United Nations, other relevant international organizations or institutions, regional organizations, the International Committee of the Red Cross and relevant non governmental organizations may be invited to attend each Review Conference as observers in accordance with the agreed Rules of Procedure.

Article 13: Amendments

1. At any time after the entry into force of this Convention any State Party may propose amendments to this Convention. Any proposal for an amendment shall be communicated to the Depositary, who shall circulate it to all States Parties and shall seek their views on whether an Amendment Conference should be convened to consider the proposal. If a majority of the States Parties notify the Depositary no later than 30 days after its circulation that they support further
consideration of the proposal, the Depositary shall convene an Amendment Conference to which all States Parties shall be invited.

2. States not parties to this Convention, as well as the United Nations, other relevant international organizations or institutions, regional organizations, the International Committee of the Red Cross and relevant non governmental organizations may be invited to attend each Amendment Conference as observers in accordance with the agreed Rules of Procedure.

3. The Amendment Conference shall be held immediately following a Meeting of the States Parties or a Review Conference unless a majority of the States Parties request that it be held earlier.

4. Any amendment to this Convention shall be adopted by a majority of two thirds of the States Parties present and voting at the Amendment Conference. The Depositary shall communicate any amendment so adopted to the States Parties.

5. An amendment to this Convention shall enter into force for all States Parties to this Convention which have accepted it, upon the deposit with the Depositary of instruments of acceptance by a majority of States Parties. Thereafter it shall enter into force for any remaining State Party on the date of deposit of its instrument of acceptance.

**Article 14: Costs**

1. The costs of the Meetings of the States Parties, the Special Meetings of the States Parties, the Review Conferences and the Amendment Conferences shall be borne by the States Parties and States not parties to this Convention participating therein, in accordance with the United Nations scale of assessment adjusted appropriately.

2. The costs incurred by the Secretary General of the United Nations under Articles 7 and 8 and the costs of any fact finding mission shall be borne by the States Parties in accordance with the United Nations scale of assessment adjusted appropriately.

**Article 15: Signature**

This Convention, done at Oslo, Norway, on 18 September 1997, shall be open for signature at Ottawa, Canada, by all States from 3 December 1997 until 4 December 1997, and at the United Nations Headquarters in New York from 5 December 1997 until its entry into force.

**Article 16: Ratification, acceptance, approval or accession**

1. This Convention is subject to ratification, acceptance or approval of the Signatories.

2. It shall be open for accession by any State which has not signed the Convention.

3. The instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.
Article 17: Entry into force

1. This Convention shall enter into force on the first day of the sixth month after the month in which the 40th instrument of ratification, acceptance, approval or accession has been deposited.

2. For any State which deposits its instrument of ratification, acceptance, approval or accession after the date of the deposit of the 40th instrument of ratification, acceptance, approval or accession, this Convention shall enter into force on the first day of the sixth month after the date on which that State has deposited its instrument of ratification, acceptance, approval or accession.

Article 18: Provisional application

Any State may at the time of its ratification, acceptance, approval or accession, declare that it will apply provisionally paragraph 1 of Article 1 of this Convention pending its entry into force.

Article 19: Reservations

The Articles of this Convention shall not be subject to reservations.

Article 20: Duration and withdrawal

1. This Convention shall be of unlimited duration.

2. Each State Party shall, in exercising its national sovereignty, have the right to withdraw from this Convention. It shall give notice of such withdrawal to all other States Parties, to the Depositary and to the United Nations Security Council. Such instrument of withdrawal shall include a full explanation of the reasons motivating this withdrawal.

3. Such withdrawal shall only take effect six months after the receipt of the instrument of withdrawal by the Depositary. If, however, on the expiry of that six month period, the withdrawing State Party is engaged in an armed conflict, the withdrawal shall not take effect before the end of the armed conflict.

4. The withdrawal of a State Party from this Convention shall not in any way affect the duty of States to continue fulfilling the obligations assumed under any relevant rules of international law.

Article 21: Depositary

The Secretary General of the United Nations is hereby designated as the Depositary of this Convention.

Article 22: Authentic texts
The Ottawa Landmine Treaty
Published on Arms Control Association (https://www.armscontrol.org)

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary General of the United Nations.

Source URL: https://www.armscontrol.org/act/1997-09/arms-control-today/ottawa-landmine-treaty