

LANDMINE MONITOR FACT SHEET

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For the Seventh Meeting of the Intersessional Standing Committee
on the General Status and Operation of the 1997 Mine Ban Treaty

Geneva, Switzerland
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Joint Operations, Foreign Stockpiling, and Transit (Articles 1, 2, and 4)

Article 1 of the 1997 Mine Ban Treaty obligates State Parties to “never under any circumstance... assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Convention.” To insure uniform implementation of the treaty, States Parties must reach a common understanding of how this obligation applies to joint military operations, foreign stockpiling of antipersonnel mines, and foreign transit of mines across the territory of a State Party. Events since March 1, 1999 have concretely demonstrated the necessity of reaching a common understanding, including:

- States Parties have participated in joint combat operations with the forces of non-States Parties or armed non-state actors wherein antipersonnel mines were reportedly used by the non-State Party or non-state actor;
- States Parties have placed their forces under the operational command of a non-State Party;
- State Parties have participated in joint training and peacekeeping operations with non-State Parties; and,
- non-States Parties have transferred antipersonnel mines stockpiled in a State Party and transited them across the territory of other States Parties for possible use in combat.

This fact sheet is an initial attempt to sort out the different understandings among States Parties about what acts are permitted and which are prohibited. While the majority of States Parties have yet to make their views known, at least thirty states have expressed some interpretations. **Landmine Monitor welcomes comments and corrections to the characterizations of national positions made in the table on the following page.** This analysis is based on the publicly declared positions of States Parties made at diplomatic conferences, standing committee meetings, in parliament, and in communications with *Landmine Monitor* researchers. The ICBL encourages all States Parties to make statements on their interpretation of Article 1 at forthcoming meetings that:

- state categorically that they will not participate in joint operations with any force that plans for, trains with, or uses antipersonnel mines;
- make clear their views with regard to the legality under the Mine Ban Treaty of joint military operations with any armed force; and,
- clarify their views on the legality of the stockpiling or transiting of foreign antipersonnel mines on or across territory under their jurisdiction and control.

Stated Positions on Joint Operations, Foreign Stockpiling, and Transit

	Australia	Austria	Belgium	Brazil	Canada	Croatia	Czech Rep.	Denmark	France	Germany	Guinea	Hungary	Italy	Japan	Malaysia	Namibia	Netherlands	New Zealand	Norway	Portugal	Qatar	Samoa	Senegal	Slovakia	South Africa	Spain	Sweden	Switzerland	UK	Uruguay	Zimbabwe
Will not participate in planning and implementation of activities related to AP mine use in joint operations	✓		✓	✓	✓		✓	✓	✓	✓		✓	✓		✓	✓	✓	✓	✓		✓		✓				✓		✓	✓	✓
Participation interpreted as 'active' or 'direct'	✓						✓											✓									✓		✓		✓
Reject operations if its military forces derive direct military benefit from AP mine use				✓																											
Reject rules of engagement permitting AP mine use or orders to use AP mines					✓				✓	✓			✓													✓		✓			
Obtain written precondition for placing forces under the command of a non-State Party																			✓												
Prohibit transfer through, stockpiling, or authorizing AP mines on national territory		✓		✓		✓	✓	✓	✓		✓	✓	✓		✓			✓		✓		✓		✓	✓	✓		✓			
Transit of AP mines through national territory not prohibited					✓					✓				✓					✓												
Non-State Party AP mine stocks removed or being removed													✓						✓							✓					
Non-State Party AP mine stocks declared not to be under national jurisdiction or control										✓				✓							?								✓		

BLANK SQUARE = NO STATED POSITION