

UNODA OCCASIONAL PAPERS

NO. 34, NOVEMBER 2019

THE ANTI-PERSONNEL MINE BAN CONVENTION

TWENTY YEARS OF SAVING LIVES AND
PREVENTING INDISCRIMINATE HARM

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ICBL's Mary Wareham, Jody Williams, Steve Goose and Norwegian diplomat Steffen Kongstad at the Mine Ban Convention negotiations in Oslo, Norway, in September 1997. © John Rodsted



ICBL's Steve Goose, Mette Sofie Eliseussen, Jody Williams, Mary Wareham and Mereso Agina provided a t-shirt signed by campaigners, deminers and landmine survivors to the chair of the negotiations, Ambassador Jackie Selebi of South Africa, immediately after the Mine Ban Convention was adopted in Oslo, Norway, on 18 September 1997. © John Rodsted

Foreword

Jody Williams
Nobel Peace Laureate

The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction is arguably the most successful disarmament treaty ever. This Occasional Paper shows how and why.

Thinking about these first twenty years of the life of the Anti-Personnel Mine Ban Convention is not possible for me without reflecting a bit on how the treaty itself came about. Efforts to ban anti-personnel landmines were first seen after the Viet Nam War during the negotiations of the Convention on Certain Conventional Weapons (CCW) of 1980.

Although Protocol II of that Convention dealt with landmines, it did not ban them, it merely restricted their use “where feasible”. Essentially, it prioritized the needs of the militaries that used landmines over protecting civilian lives and limbs.

Around the beginning of 1991, with the collapse of the Soviet Union, several non-governmental organizations began variously discussing the necessity of dealing with anti-personnel landmines. In October 1992, six of those organizations came together to form the International Campaign to Ban Landmines (ICBL): Handicap International, Human Rights Watch, Medico International, Mines Advisory Group, Physicians for Human Rights, and Vietnam Veterans of America Foundation.

From the beginning, ICBL defined itself as a flexible coalition of organizations that shared common objectives. The campaign called for an international ban on the use, production, stockpiling and transfer of anti-personnel landmines, and

for increased international resources for humanitarian mine clearance and mine victim assistance programmes.

The members of ICBL were responding to a humanitarian crisis resulting from the use of landmines, especially in the regions of the world where the two super-Powers had fought proxy wars during the cold war. Once these wars ended, the landmines, or “indiscriminate weapons of mass destruction in slow motion” as we came to call them, remained where they had been sown. It was primarily civilians who were maimed or killed. Not surprisingly, landmine survivors became some of ICBL’s most powerful advocates for a treaty banning landmines.

While ICBL was the engine that drove the landmine issue forward, it was the building of the ban movement overall that ultimately resulted in the successful negotiation of the treaty.

The second critical element of the movement was when the International Committee of the Red Cross (ICRC) found a renewed public voice on landmines. ICRC had been deeply involved in the development of the CCW in the 1970s and for years its medical personnel had been sending reports from the field about the horrors of landmines. With all of the interest being generated by ICBL and increased media coverage of what was being called a “landmine crisis”, the ICRC internal debate about landmines was heating up and, in 1994, its then-president, Cornelio Sommaruga, stated that, “from a humanitarian point of view, we believe that a worldwide ban on anti-personnel landmines is the only truly effective solution”. With that, ICRC added its formidable might to the movement.

The final and fundamental element was building a self-identifying core group of Governments that were as pro-ban as ICBL and ICRC, all while groups of governmental experts were meeting to review and perhaps amend Protocol II of the CCW in discussions that, over two and a half years, did not yield meaningful action against landmines.

The core group evolved out of the countries that had taken unilateral steps related to ban anti-personnel landmines.

In March 1995, Belgium, for example, became the first country in the world to completely ban anti-personnel landmines at the domestic level and other countries followed suit. By September 1995, 14 countries had declared themselves pro-ban and the number continued to grow and regions of the world, beginning with Central America, began to declare themselves as “mine-free zones”.

All these actions were the building blocks of what would become the Anti-Personnel Mine Ban Convention and the actions continued even as the expert sessions of the CCW finally ended with no meaningful change to its Landmine Protocol. In the view of many, the CCW review process had not only not succeeded in banning landmines, but it actually weakened the Convention overall.

While this review failed to gain traction, other parts of the United Nations were active on the ban issue. Steps included the United Nations Children’s Fund’s Director Jim Grant calling for a landmine ban in April 1994 as did United Nations Secretary-General Boutros Boutros-Gali one month later. In December 1996, a total of 155 countries supported a United Nations General Assembly resolution curiously proposed by the United States supporting the negotiation of a treaty banning landmines as soon as possible. Of course, the United States ultimately withdrew from the treaty negotiations in 1997 in Oslo and has never joined the treaty.

As the CCW process faltered in May 1996, a new and surprising ban champion emerged. Departing from the United States position on landmines, Canada called immediately for a conference of self-declared pro-ban States later in the year. ICBL and ICRC were also invited as full participants. The goal of the conference, which took place in Ottawa in October, was to chart a concrete path to a ban treaty.

As that conference concluded, Canada came up with another surprise when its then-Foreign Minister Lloyd Axworthy, at the closing session challenged the countries

present to stop just talking about being pro-ban but to act the part and negotiate a treaty banning landmines within a year's time and return to Ottawa to sign it. He stated that Canada would be willing to sign a treaty even if there was only one other country signing it.

The emotions in that room were chaotic. Those of us who truly wanted a mine ban treaty were exuberant. Those who did not, however, were deeply disturbed. Even some pro-ban countries felt shut-out by Axworthy's surprise challenge that sparked the stand-alone process with negotiating sessions held in Vienna, Bonn, Brussels and the final, successful session in Norway in September which ended with a complete, simple and elegant treaty banning the use, production, trade and stockpiling of anti-personnel landmines.

The 80-plus countries that had negotiated the treaty in Oslo and more came to Ottawa on 3 and 4 December to sign the Anti-Personnel Mine Ban Convention, also known as the Ottawa Convention. In two days of public events, celebration and signing, 122 nations added their names to the Convention. "Big Powers" did not join—the United States, the Russian Federation, China, India, Pakistan and others—but the majority of mine-affected countries in the world did. It was a triumph.

Less than one week later, ICBL and I jointly received the 1997 Nobel Peace Prize. In its announcement of the Peace Prize in October that year, the Nobel Committee not only recognized the banning and demining of landmines, but also underscored the importance of ICBL and the ban movement: "As a model for similar processes in the future, it could prove of decisive importance to the international effort for disarmament and peace."

These words have become prescient and our success was not a fluke. It was not the result of some special, innate capacity that we alone had access to. Since the Anti-Personnel Mine Ban Convention, campaigns making up the emergent "humanitarian disarmament" community have achieved three major new

treaties: the Convention on Cluster Munitions of 2008, the Arms Trade Treaty of 2013 and the Treaty on the Prohibition of Nuclear Weapons of 2017. The International Campaign to Abolish Nuclear Weapons was awarded the Nobel Peace Prize in 2017 for that work.

The model has also shaped the ongoing work of the Campaign to Stop Killer Robots—an effort to pre-emptively ban autonomous weapons systems that on their own could select and attack human beings—since even before its launch in April 2013. Machines have historically been created to be of service to people. Machines are not moral beings. Humans—as supposedly moral beings—should not delegate target-and-kill decisions to machines.

This movement against indiscriminate weapons, growing from the unprecedented success of ICBL and the mine ban movement, has also shown that it can have a normative impact beyond the supportive States. The landmine ban treaty has demonstrably changed the behaviour of major military powers that are not party to the treaty. They have adopted export moratoriums, destroyed stockpiles, avoided using anti-personnel mines in conflict and committed significant resources to mine action. Many non-State armed groups have also signed commitments to abide by its norms. The movement also clearly demonstrated that civil society has a serious role to play in security issues, including how security and disarmament are defined.

But all of us knew that the beautiful words on paper that made up the obligations of the Anti-Personnel Mine Ban Convention would remain just that without ongoing pressure on States to ratify it, universalize it and see to its full implementation and compliance with its terms. ICBL became the first civil society group to de facto monitor a treaty through its annual “Landmine Monitor Report”, the first of which was issued in 1999. The Monitor became known as the “bible”

of reporting on progress—or lack thereof—in achieving the obligations and goals of the Convention.

In the 20 years since the Convention took effect on 1 March 1999, 30 countries have acceded to it, resulting in the current total of 164 States parties. According to *Landmine Monitor*, a total of 92 States parties have destroyed a collective total of more than 55 million stockpiled anti-personnel mines. Nearly all of the 33 States not party to the Convention still stockpile mines, albeit in reduced quantities. Yet, very few non-signatories dare to use these widely stigmatized weapons. Only two outlier States have used anti-personnel mines in recent years, although non-State armed groups have used improvised mines, also known as improvised explosive devices. Such devices that are victim-activated are prohibited by the Convention.

Not only was the Anti-Personnel Mine Ban Convention negotiated in a diplomatic whirlwind, but it also became the disarmament treaty that most rapidly entered into force in history. The chapters of this paper will describe the achievements and shortfalls of the first twenty years of the Convention.

Acknowledgements

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Marco Grob is an Emmy-winning photographer and director who has worked with numerous celebrities and heads of State. In 2011, he was commissioned by TIME to create a series of portraits centred around the events of 11 September 2001: titled “BEYOND 9/11: Portraits of Resilience”. This award-winning body of work is now part of the permanent collections of the Smithsonian Institution and the National 9/11 Memorial and Museum. Since 2010, he has been working for the United Nations Mine Action Service to report and educate on the global tragedy caused by landmines.

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A Global Ban on Landmines

Convention complète des mines terrestres



In his first State visit to Canada to address the opening ceremony for the signing of the Anti-Personnel Mine Ban Convention, Secretary-General Kofi Annan (third from left) receives from Canadian Prime Minister Jean Chrétien the instruments of ratification to the Convention. To the left of the Secretary-General is Canadian Foreign Minister Lloyd Axworthy. UN Photo/Evan Schneider

The history of the Anti-Personnel Mine Ban Convention¹

John English²

Canadian Landmine Foundation

The Anti-Personnel Mine Ban Convention—also known as the Ottawa Treaty or, as it is properly known, the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction—was signed by 122 Governments in Ottawa on 3 and 4 December 1997. On 18 September 1997, a diplomatic conference at Oslo had concluded the Convention and Article 15 provided for the opening for signature in Ottawa.³ On 1 March 1999, Burkina Faso became the fortieth State to ratify the Convention, thus triggering the entry into force after a six-month delay prescribed in the Convention's terms. After the treaty's entry into force, States no longer signed the Convention but became bound by their accession; there are currently 164 States parties to the treaty, 1 signatory State that has not ratified and 32 non-signatory States.⁴

International Campaign to Ban Landmines: A multi-actor partnership

The momentum for the Convention arose in the aftermath of the cold war. It increased during the early 1990s as non-governmental organizations (NGOs) united around the notion of a ban on anti-personnel mines and sped to its conclusion when

major Governments embraced the movement. The Norwegian Nobel Committee awarded the 1997 Nobel Peace Prize to the International Campaign to Ban Landmines (ICBL) and to Jody Williams, an American activist who had been recruited by the Washington-based Vietnam Veterans of America Foundation (VVAFA) to organize a campaign to ban landmines. The prize recognized the significant contribution of Americans to the campaign, but many contemporary observers pointed out that the Americans had not convinced their own government to sign the Convention. The refusal not only of the dominant super-Power at the time but also the Russian Federation, China and India to sign the Convention deeply troubles the Convention's proponents. Nevertheless, they correctly argue that the Convention has fulfilled its fundamental purpose: it has greatly reduced the number of victims of landmines. It has also acquired symbolic significance as an innovative partnership between NGOs and Governments and, to some extent, as a model of how significant change can occur in stagnant international waters.⁵

The International Committee of the Red Cross (ICRC) first drew attention to the growing use of landmines in the 1970s because of "the magnitude of human suffering" caused by their proliferation in civilian areas in developing countries.⁶ The development of "scatterable" mines had drastically changed the use of anti-personnel mines, which had previously been restricted to protection of perimeters. ICRC, with its close ties to military officers and legitimacy as a neutral intermediary based upon international conventions, was uniquely situated to act as convener and an animator. It filled these roles through the last decade of the cold war, bringing together soldiers, diplomats and concerned NGOs to learn from medical practitioners who had treated the shattered limbs of landmine survivors in countries including Cambodia, Afghanistan, Mozambique and Angola—while also handling the bodies of many deceased victims.

The human costs, borne mainly by innocent civilians, were reported in detail and the military utility of such indiscriminate killing was questioned.⁷ These discussions penetrated the

political world in the late 1980s, most notably in the United States, where Vermont Democratic Senator Patrick Leahy developed a strong interest in the subject after he encountered a young disabled boy in a Central American hospital. The boy told a shaken Leahy that he did not know who had placed the landmine or who had made it, but it meant he would be on crutches all his life. Leahy returned to Washington determined to effect change and, in 1988, he used the exceptional powers of an American senator to establish a War Victims Fund from the American development assistance budget. The fund provided \$5 million annually for landmine victims and also supported organizations contemplating a broader campaign to reduce the human costs of landmine proliferation.⁸

Spurred on by Leahy's support and by the innovative atmosphere after the cold war's end, Human Rights Watch and Physicians for Human Rights published *Landmines in Cambodia: The Coward's War*. The impact of this report was magnified by the celebrated 1984 Roland Joffé film, *The Killing Fields*, which itself did not focus on the landmine question in Cambodia but did draw Western attention to the Cambodian tragedy and did offer its title as an effective metaphor for a campaign against landmine proliferation. Shortly after the publication of *Landmines in Cambodia*, Bobby Muller, the founder and president of VVAF, and Thomas Gebauer, the head of Medico International (a German NGO), who shared with VVAF recent experiences with Cambodian mine victims, discussed the possibility of together leading a campaign to ban anti-personnel landmines. Muller hired Jody Williams, a Vermonter, who quickly contacted Leahy, her senator. On 4 December 1991, Williams and Leahy's aide Tim Rieser agreed that the senator would offer congressional support for the NGO's efforts.⁹

The fruits of the collaboration quickly became evident when Leahy pressed the issue forward in Congress, sponsoring an amendment requiring a moratorium on the export of landmines. The amendment, which was signed into law by

President George H.W. Bush on 23 October 1992, echoed the tone of the NGO meetings and called upon the United States to “seek verifiable international agreements prohibiting the sale, transfer, or export, and further limiting the use, production, possession, and deployment of anti-personnel landmines”. This statement of purpose quickly became the goal of ICBL, which was also created in October 1992 in New York by six NGOs: Handicap International (France), Human Rights Watch (United States), Medico International (Germany), Mines Advisory Group (United Kingdom), Physicians for Human Rights (United States) and VVAF (United States). Williams became the coordinator, and the campaign drew its first breath as Democrat Bill Clinton became President of the United States and Congress showed unanimity in supporting Leahy’s landmine moratorium in the last days of George H.W. Bush’s presidency.¹⁰

While Leahy’s role remained central in the landmine ban campaign, the United States Government under Clinton was to become continuously more reluctant to give leadership. Nevertheless, ICBL moved beyond its American roots and became remarkably effective in organizing the campaign. It took shrewd advantage of intellectual trends emphasizing the role of non-State actors in the early 1990s, not only in the West but also in the developing world. Aware of waning American government support, ICBL appeared to take pains to distance itself from the United States Government as the campaign progressed. It increasingly associated itself with what the *New York Times* foreign affairs correspondent Flora Lewis hailed in 1989 as the “rise of civil society”, through which people were “groping for a way of organizing their societies to give more satisfaction both to the community and the individual”. It was for the landmine activists an invigorating concept as they came to define themselves as a “third force” beyond States and traditional international structures and a movement that attended to the security of individuals.¹¹

In a retrospective analysis of its accomplishment, the ICBL credits its achievement to its intense focus on the landmine

issue, its successful (although loose) linking of diverse NGOs throughout the world and, not least, its effective use of new communication technologies, notably email. The web and email allowed integration of efforts in developing countries with crucial joint planning and strategies with campaigners in developed countries.¹² And it worked. The memory of the motley groups with various dress, languages and faces coming to Ottawa in December 1997 endures as the dominant image of the landmine campaign.

Despite the important role of NGOs, the official photographs of Ottawa reveal mainly older men in dark suits representing their Governments. In the absence of NGOs, the landmine ban would have lacked substance and force. Civil society and the emergence of the Internet were not enough.

International Committee of the Red Cross

The ICRC was critical to the success of the movement because it possessed direct access not only to foreign offices but also to national defence ministries that held the existing landmine stocks—from which resistance to the loss of a weapon, and suspicion of NGOs advocating such a programme, could be expected. The highly capable ICRC President Cornelio Sommaruga took up the landmine issue as a personal cause and devoted significant ICRC resources to its advocacy. With its links to militaries and mine eradication and mine victim assistance in developing countries, ICRC brought together members of the growing ICBL coalition with military offices and aid workers who had direct experience of the hideous impact of landmines on civilian populations. A typical ICRC initiative was a symposium it held in April 1993 in Montreux, Switzerland, to which it invited the President of Human Rights Watch and representatives of Medico International, Handicap International, Physicians for Human Rights, the Mines Advisory Group and VVAF (Jody Williams). There they encountered Russian and French diplomats; Kuwaiti, British, Egyptian, American and Russian military officials; and deminers—

including an influential group of British deminers (mainly former soldiers) who came to oppose the landmine campaign. Among the 55 participants were, tellingly, journalists from BBC, *The Observer*, *The Economist* and *The New Yorker*, and the Paris-based foreign affairs correspondent of the *New York Times*.¹³

Since its mid-nineteenth-century foundation, ICRC had played a central role in the development of humanitarian law and, at certain times, in the prohibition of weapons.

The greatest successes had occurred before the Second World War with the ban on exploding bullets and poison gas; the cold war stalled most progress and had taken weapons restrictions out of the humanitarian law forums and into direct negotiations between the two super-Powers. The relevant United Nations institutions were often sidelined or ignored, limited by their dependence on consensus. Nevertheless, the Convention on Certain Conventional Weapons (CCW) was concluded in 1980, partly in response to ICRC concerns about the impact of landmines upon civilians. Protocol II of the CCW imposed restrictions upon landmine use, particularly remotely delivered mines, which had such horrendous civilian impact in South-East Asia. In the aftermath of the American congressional landmine initiative, the Geneva-based Conference on Disarmament faced pressure to expand the scope of Protocol II, and ICBL, ICRC and other States developed a strong interest in advancing their cause in Geneva.

The campaigners quickly became aware that two particular objections had to be met for their cause to move forward. First, they had to establish that the military utility of landmines was limited. Second, they needed to reinvigorate the tradition of international humanitarian law and construct powerful arguments that the concept of “proportionality”, embraced within the Geneva Conventions of 1949, whereby weapons that were “of a nature to cause superfluous injury or unnecessary suffering”, included anti-personnel landmines. The former goal

was facilitated by the experience of Operation Desert Storm (the First Gulf War), when prominent American soldiers questioned the military utility of mines. For example, General Alfred Gray, the retired commander of the United States Marine Corps, reflected on his own military experience including Desert Storm and declared mines largely irrelevant in pursuing military objectives. He bluntly declared, “We kill more Americans with our own mines than we do anyone else.”¹⁴ Desert Storm commander-in-chief Norman Schwarzkopf reportedly shared his views and expressed them in many private conversations. VVAF, in cooperation with Lieutenant-General Robert Gard, the former President of the National Defense University, used their close ties with the military to encourage further open expression of such doubts. Simultaneously, think tanks and academic institutions such as the highly reputable Centre for Defence Studies at the University of London published new studies that set out the case against the military utility of landmines.¹⁵

ICRC continued to hold seminars and meetings where military officers mingled with landmine activists and diplomats, and research papers accumulated making the arguments for proportionality. At ICRC gatherings, nearly all participants granted that landmines might have a very specific military use, but those cases were few and were far outweighed by the difficulty of removal, the danger to innocent civilians and, increasingly, the economic costs of landmines to poor nations such as Cambodia and Angola. NGOs associated with the campaign used highly evocative images of victims and stories of individual human suffering to focus public attention on the issue.

For the Conference on Disarmament debates, more important than emotional pleas were the legal arguments based upon humanitarian law. Here, too, ICRC played a central part. In particular, its legal adviser, Peter Herby, carefully formulated arguments that placed landmines, like exploding bullets and poison gas, within the tradition of international humanitarian law.

Human security network

Although President Clinton had initially indicated his support for a ban on anti-personnel landmines, his confrontations with the military establishment over such issues as gays in the military caused him to become increasingly reluctant. ICBL was already eager to escape from its own American origins and American political leadership, and it quickly found accomplices in its quest. While attributing the landmine campaign's success primarily to the work of ICBL, Jody Williams and Human Rights Watch advocate Stephen Goose acknowledge that Governments were essential to its success:

Historically, NGOs and governments have often seen each other as adversaries not colleagues—and in many cases rightly so. And at first many in the NGO mine ban community worried that governments were going to “hijack” the issue in order to undermine a ban. But a relationship of trust among the relatively small “core group” of governments (most notably Canada, Norway, Austria, and South Africa) and ICBL leadership quickly developed. ... Eventually this relationship became known as “citizen diplomacy” and the coalition of small and middle rank states who formed the core of the landmine initiative within international organizations established the “human security network.”¹⁶

The ties between the Canadians and the Scandinavians were historically strong: in the 1950s, the close relationship between Canadian Foreign Minister Lester Pearson and United Nations Secretary-General Dag Hammarskjöld led to the coinage of “Scandicanadians”, referring to a group of smaller, mainly northern countries committed to United Nations peacekeeping and to resolution of conflicts where the super-Powers were on the sidelines or too compromised to interfere. The end of the cold war reinvigorated these relationships and the landmine cause captured the imagination of the relevant foreign ministries in the mid-1990s.

This coalition formed around the review of the CCW in Vienna in September and October 1995. ICBL members carrying petitions with 1.7 million signatures and church groups crammed the hotel lobbies, rang bells for landmine victims and badgered delegates in the bars and Gaststaette of the old imperial capital. But the results were disappointing as Governments, including the United States, failed to go beyond the limited restrictions placed on landmines in Protocol II of the CCW.

After the meetings, the discouraged ICBL leadership met with some government officials who shared their disappointment. Together they determined to press ahead with informal gatherings, as soon as early winter in Geneva, and, furthermore, to organize a broader conference involving States and NGOs to press for a fuller ban. Their actions attracted attention.

Veteran politician Lloyd Axworthy, who became Canada's foreign minister on 25 January 1996, was uniquely placed and trained to give leadership to the landmine movement. At Princeton, where he obtained a doctorate in political science, he had studied with Richard Falk, a strong critic of the Viet Nam War and proponent of a strengthened international law regime. Within liberal cabinets, he was correctly perceived as a strong voice on the left, a critic of nuclear weapons and a strong supporter of international development and multilateralism. He had close ties with the Canadian NGOs that had become prominent in ICBL. His support for a landmine ban was unequivocal, although ICBL leadership was initially wary of a Canadian initiative to hold a conference to discuss how the ban movement might advance. Canada was a member of the North Atlantic Treaty Organization, whose leading members were clearly opposed to the ban, and the close ally of the increasingly reluctant United States.

In spring 1996, ICBL's suspicions waned and Canadians began to seek out diplomatic support for further action. On the

last day of the CCW meetings on 3 May 1996, the Canadians appeared alongside representatives of the United Nations Department of Humanitarian Affairs and the United Nations Children's Fund to encourage those who were dissatisfied with the limitations of the Conference on Disarmament to come to Ottawa in October.¹⁷ With that announcement, in Axworthy's words, "the bailiwick of the land-mine movement" shifted away from Geneva; "the battle over strategy was rejoined, with Canada at centre court". Most Governments, Axworthy admits, favoured remaining in Geneva and working through traditional institutions, but others dissented. These included Belgium and Norway, which had recently and unilaterally announced a complete ban on use, production and export of landmines and, along with Austria and Germany, subsequently hosted important stages of the Ottawa Process during the first 10 months of 1997. Moreover, developing countries had begun to raise their voices in the debate and to provide ever more vivid images and personal testimony of the human devastation caused by landmines. These images and words had a significant impact. In Britain, for example, the Cambodia Trust, organized by Catholic NGO leader Stan Windass, collected tens of thousands of small donations to support victim rehabilitation in a land with tens of thousands of victims and millions of unexploded mines.¹⁸

Ottawa calling

The structure of the October 1996 Ottawa conference reflected, on the one hand, the importance of global networks and, on the other, the willingness of some NGOs and Governments to work together for common international purpose. Such cooperation was hardly new: the anti-slavery movement of the nineteenth century and the peace movement of the early twentieth century had built on such collaboration. Nevertheless, the hybrid of the 1990s was different in its global character, secular emphasis, technological spirit and fluidity of structures. By 1996, funding for the NGO campaign came directly from some Governments, including the United States

Government through the Leahy direction of State Department funds. In Canada, NGO activists accompanied Canadian diplomats to official meetings and some were hired to work for the cause in its foreign affairs department. The “new diplomacy” is an ancient cliché, but the landmine campaign’s approach did signal the impact of new media and of social and political networks of broad geographical range and technical sophistication. Critics have attacked the non-representativeness of NGOs and their disregard for the character of relationships between States and the international system more generally, but few dispute that the landmine campaign startled diplomats of the time, captured public attention, created new coalitions and roiled international meetings, particularly when NGOs penetrated gatherings where they had never been seen or heard before.

Tensions pervaded the meeting at Ottawa from 3 to 5 October 1996, where, in Axworthy’s own words, “the mixture of NGOs and governments proved combustible”. There were 50 participant States, the majority of them favouring a ban, 24 observer States who were nearly all opposed and far more NGO representatives in the former Ottawa train station that had been transformed into a cavernous conference hall. Several of Canada’s North Atlantic Treaty Organization allies, most notably France and the United States, expressed open dismay when Williams, in close collaboration with some Canadian officials, vituperatively attacked the French delegate for a statement that stressed traditional approaches and reflected French reluctance to ban landmines. Throughout the conference, Canadian officials worked closely with ICBL leadership but avoided their French, American, and Russian colleagues, who were increasingly horrified by the style and substance of the conference. Axworthy accepted his diplomats’ defiance of their profession’s traditions and on the final day announced that, despite the strong opposition to abandoning the Geneva roadmap, Canada would hold a conference in 1997 whose purpose would be to sign a treaty to ban anti-personnel

landmines. The media, Axworthy later wrote, “couldn’t decide if this was a bold stroke or if I had just lost it”.¹⁹

Axworthy had gained resolve before his statement not only from other pro-ban countries from Western Europe but also from several in Africa and Asia. Moreover, he had strong public support from Sommaruga of ICRC and privately from United Nations Secretary-General Boutros Boutros-Ghali. With his words, the so-called Ottawa Process—a series of meetings convened firstly to develop and negotiate a convention to ban landmines and secondly to build the political will to sign it—began, leading to a dramatic conference in Ottawa in early December 1997. The principle for participation would be self-selection: those States that wanted to attend could come; those opposed could be absent or attend as observers. In the meantime, ICBL would have the principal responsibility of rallying landmine foes around the world to press their Governments to come to Ottawa while the pro-ban States would work closely to develop treaty language and to push forward the ban in official forums.

The bold stroke brought forth strong critics. Some ridiculed the Western-dominated leadership of the movement. Victims’ voices did not have the American accents that dominated the NGO leadership, and Norwegians, Canadians, and Belgians were not, in recent times, victims of landmines and none of the hidden killers lay in their fields. Others worried about the cavalier disregard of the Conference on Disarmament and the blunt attack upon traditional institutions and diplomatic decorum.

But fate fell upon the path of the Ottawa Process. In January 1997, Kofi Annan, an African and a veteran United Nations diplomat, became its Secretary-General, and he gave immediate and enthusiastic support for a landmine ban. With the invaluable moral support of South Africa, the ICBL held its fourth annual conference on landmines in Mozambique from 25 to 28 February 1997. It proved to be invaluable in creating

a powerful “story” as victims told tales of lives lost, limbs shattered and Governments helpless in facing the challenge of clearing mines. Most African States participated and endorsed a landmine ban as South Africa had unilaterally done a week before the conference. It was a powerful endorsement for the campaign and a certain indicator that most of the African States would trek northwards in December to back a landmine ban.

Other conferences followed, notably in March 1997 in Japan, whose Government was opposed and where it was believed NGOs played an insignificant role in the political system. The Government hosted a conference, but NGOs were permitted to attend only the opening session. In response, ICBL and some Japanese NGOs sponsored a counter-conference that led to the creation of an indigenous anti-landmine group that effectively lobbied the Japanese Government to attend the forthcoming Ottawa conference. ICRC continued to play its critical part, sponsoring conferences that brought in military officials as well as many others with field experience. Canada and other Governments often sent delegates and provided indirect support through their embassies. In Australia, where opposition within the defence and foreign ministries was strong, the Canadian embassy impishly encouraged local landmine campaigners to lobby the Government. Controversially, the Canadian ambassador brought a Canadian NGO representative with him when he met with the Australian foreign minister. After the official meeting, the Canadian NGO representative promptly told Australian NGOs that their foreign office was strongly opposed to the landmine ban. In response, they quickly organized a conference chaired by the eminent academic Ramesh Thakur to which the Canadian Government sent representatives to argue for the landmine ban. Australian politicians, journalists, church groups and NGOs tilted the balance strongly in favour of a ban and the Government slowly began to shift its position as fall began.

Australian leaders were not alone in sensing political danger or, conversely, opportunity in joining the landmine

campaign. Backbenchers signed on in the meetings of the international parliamentary associations, where politicians from ban-supporting countries put forward resolutions approved by many representatives from States opposed to a ban. As they returned to their homes for the summer, politicians heard from constituents, many of whom had watched the “public service” television advertisements produced by ICRC and ICBL and financed by private donations and pro-ban Governments. Rock stars, spurred on by the success of Live Aid, raised their voices in support, but no celebrity attracted more attention than Princess Diana of Wales who, wearing a ballistic helmet and a flak jacket, walked through an Angolan minefield in January 1997. The image persisted in the public mind and then was magnified in the public imagination when she died in an automobile crash on 31 August 1997. The British had previously opposed the landmine ban. After Diana’s death, they moved dramatically towards support as Diana’s minefield image became ubiquitous and the new Labour government under Tony Blair clung closely to her popular memory.²⁰

The year 1997 witnessed expert meetings in Vienna in February (with Austria taking the lead role in drafting a text for the proposed ban) and in Bonn in April, during which the issue of verification was discussed. These were followed by the International Conference for a Global Ban on Anti-Personnel Mines, held in Brussels, Belgium, in late June, during which a record number of States (154) were in attendance. Lastly, at the diplomatic conference in Oslo in September, the text of the Convention was adopted.²¹ As Ottawa approached, however, there still remained some uncertainty about how many States would commit to the Convention.

Despite the dominance of Americans among ban leaders, the United States was increasingly wary. President Clinton’s relationship with Jody Williams was particularly bad despite her numerous ties to major Democrats. Clinton found military leaders increasingly intractable as they pointed to the Korean Peninsula as the stumbling block to an American signature.



Princess Diana meets a victim of landmines in Angola in July 1997. © Alamy Stock

When the British agreed to support the Convention, there were some caveats related to the its entry into force that were accepted by ICBL, but a similar attempt to find a compromise with the American Government failed. Meanwhile, the process leading to Ottawa developed in Western Europe in meetings of diplomats concerned with treaty wording and verification. The final negotiating session took place in Oslo in September. Two members of the Security Council, Britain and France (under a newly elected Socialist government) were now on board, but the Americans remained outside. Axworthy met often with Madeleine Albright, the new American Secretary of State, who told him she personally supported the ban but had to find a way to accommodate American military interests. Clinton continued to hesitate.

The pro-ban States tried to find a way to deal with the Korean Peninsula question, but the NGO leaders became increasingly suspicious of these manoeuvres. No exceptions or exemptions for Americans, they declared, even though some special provisions had been allowed for others; for example, the Convention did not include those national arsenals of anti-vehicle landmines that had built-in anti-personnel devices to prevent them from being handled, disarmed or moved, or remotely triggered anti-personnel mines such as claymores. In addition, it permitted the retention of some limited stocks of anti-personnel mines by States for demining training purposes and it left open the right of States to request renewable 10-year extensions to their deadlines for the elimination of stockpiles. When Axworthy arrived in Oslo, rumors swirled about his attempts to weaken the treaty to win American acceptance. Some campaigners loudly booed him as he entered the conference hall to give his speech. Axworthy and others were strongly seeking some way the Americans could join. Just before Oslo, Albright and other senior American officials told Axworthy that Clinton was ready to sign. But his bar remained too high. The demand that the United States be permitted to use anti-personnel mines not simply attached to the permitted anti-tank mines but,

separately, on a perimeter around them was a bridge too far to cross not only for ICBL, but also for the Canadians.²²

A Canadian winter welcomed over 2,400 delegates and 500 journalists to Ottawa on 3 December 1997 where representatives of 122 nations signed the Ottawa Convention. At the final ceremony, Williams, now a Nobel Prize laureate, joined Axworthy, Canadian Prime Minister Jean Chrétien, whose support had been crucial, Sommaruga of ICRC, whose commitment to the cause had been essential, and United Nations Secretary-General Kofi Annan, who boldly cast aside objections that the Ottawa Process had pushed aside the Conference on Disarmament and the United Nations system, to endorse the landmine ban. In the exuberance of the moment, the landmine ban seemed like the harbinger of a major transformation—one where NGOs could work with like-minded States to advance a “human security agenda” whose focus was on the individual. The final speeches celebrated the extraordinary cooperation between nations and NGOs to save lives and to make the world a safer place for all its people.



Cambodian mine ban activists at the treaty negotiations in Oslo, Norway, in September 1997. © John Rodsted



Women campaigners and delegates to the Mine Ban Convention negotiations in Oslo, Norway, in September 1997. © John Rodsted



Sri Lankan deminers, 2018. © AP Mine Ban Convention ISU

Universalizing the Convention: Practical means

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International Campaign to Ban Landmines

The Anti-Personnel Mine Ban Convention benefited from international momentum and attention from the moment of its negotiation over 20 years ago. Some 122 States signed it when it opened for signature in December 1997 and, as at October 2019, it had 164 States parties. States themselves, international organizations, United Nations entities, civil society and other partners have contributed to attracting widespread adherence to the Convention through numerous means. We review here a few of these means that have worked well in recent years. None of them work in isolation or constitute a magic bullet; it is always the simultaneous deployment of several of these means, and sometimes over a very long period of time, that yields results.

Appeals by United Nations officials

After United Nations Secretary-General Kofi Annan played a key role in the adoption of the Convention, calling it “a highlight of [his] career”²⁴, Secretaries-General Ban Ki-Moon and António Guterres continued to encourage universal adherence to the ban on anti-personnel mines,²⁵ a call echoed for instance by United Nations High Representative for Disarmament Affairs Izumi Nakamitsu.²⁶ Such high-level

endorsement helps to keep the Convention on the agenda of States. The Convention is also part of the United Nations Secretary-General's list of multilateral treaties that are close to achieving universal participation²⁷ and regularly benefits from a special highlight at the annual United Nations treaty event alongside a small number of other international instruments.²⁸

High-level representation

A number of famous figures have over time expressed their support for the landmine issue, such as singers Paul McCartney²⁹ and Juanes,³⁰ actors Daniel Craig³¹ and Angelina Jolie,³² football player Neymar Jr,³³ Prince Harry of the United Kingdom,³⁴ and Archbishop Desmond Tutu,³⁵ among others. More formally, the Convention currently has two high-level Special Envoys, Prince Mired Raad Zeid Al-Hussein of Jordan and Princess Astrid of Belgium. In addition to participating in Meetings of States Parties and other international events related to the Convention, they carry out meetings with representatives of States not party in order to encourage adhesion.³⁶ Far from being merely symbolic, these missions arranged with assistance from the Implementation Support Unit of the Convention provide an opportunity to reach out at the highest level of decision-making in target countries.

It would also be impossible to overlook the enduring legacy of the 1997 visits of Princess Diana of Wales to landmine-affected communities in Angola and in Bosnia and Herzegovina, which “helped bring home to many, the terribly high human costs of landmines” and confirmed her status as “one of the most visible anti-landmines advocates”.³⁷ More than 20 years on, her contribution to the anti-landmine movement can still be felt.

Démarches in capitals

Diplomatic démarches in the capitals of States not party are an essential component of universalization efforts, where

States parties can encourage adhesion by explaining how they themselves did it and what benefits they gained, and by providing answers to any questions related to Convention implementation. In a recent example, at least five States or regional bodies held high-level meetings or undertook other démarches during the final months leading to a State's important decision to join the Convention.

Regular appeals by presidents of Convention meetings

By regularly making official public calls for further adherence to the Convention, the successive presidents of the Convention meetings ensure that the issue remains on the international agenda. Recent examples include appeals for “those States that have not yet joined to meet us on the right side of history”,³⁸ and for “achieving universal acceptance of the treaty if we are to meet the Convention's ambition of a mine-free world”.³⁹ One recent president was particularly active and vocal on the universalization of both the Convention and the norm against the use of anti-personnel mines, calling publicly and bilaterally for an immediate stop to landmine use by a non-State armed group in Yemen⁴⁰ and for Myanmar to clarify its situation further to reports of landmine use.⁴¹

Action plans adopted by States parties

At Review Conferences, States parties adopt five-year action plans where they pledge to continue taking concrete measures to promote adhesion to the Convention. The very first action point of the original 2005–2009 Nairobi Action Plan reads, “[All States parties will] call on those States that have not yet done so, to accede to the Convention as soon as possible.”⁴² This was echoed in the 2010–2014 Cartagena Action Plan and 2015–2019 Maputo Action Plan, which respectively committed all States parties to “seize every opportunity to promote ratification [and] accession” and to “promote formal adherence to the Convention [and] universal observance of [its] norms”.⁴³

Political declarations adopted at Review Conferences also refer to the desirability of full universalization. In between Review Conferences, each Meeting of States Parties includes an agenda item where States parties can report on how they promote the Convention while States not party provide updates on any steps they have taken towards joining. All statements are duly recorded and made available publicly online.⁴⁴

Support from the European Union since 2008

Concerted support from a regional organization can offer tremendous opportunities, especially if a highly specialized entity is tasked with project implementation. As of June 2013, all member States of the European Union were on board the Convention and the organization was able to announce that it was “united to end the suffering and casualties caused by anti-personnel mines” and that it would continue to “provide leadership and resources” for the Convention.⁴⁵ Already in 2008, the Council of the European Union adopted a Joint Action in support of the universalization and implementation of the Convention, and this was followed by other Council Decisions in 2012 and 2017.⁴⁶ Each decision tasked the Implementation Support Unit to arrange national or regional dialogues, visits or technical missions to advance clearance of landmines, assistance to victims, destruction of anti-personnel mine stockpiles and adherence to the Convention, in partnership with relevant organizations. The overall budget was about €4.4 million, a small percentage of the European Union’s global support to mine action.

While these decisions focused mostly on implementation in States parties, each also included a strong universalization component. This allowed for high-level universalization visits to be carried out by the Convention’s Special Envoys⁴⁷ to China, Mongolia, Myanmar, Oman and Sri Lanka⁴⁸, and for the organization of seminars for government representatives in Switzerland and the United States.⁴⁹ There is no doubt that these visits and events, combined with other efforts, played

a significant role in convincing Oman (2014), Palestine (2017), and Sri Lanka (2017) to accede to the Convention and encouraged interim steps by at least Singapore and the United States.⁵⁰

Annual United Nations General Assembly resolution on the Convention

From 1997, all United Nations Member States have had the opportunity to express their support for the aim of addressing the global anti-personnel mine problem through their vote on the annual General Assembly resolution on the Convention. In the resolution, tabled annually by the President of that year's Convention meeting and by partner States, the Assembly calls for the full universalization of the instrument, using language that has evolved from "The General Assembly ... invites all States to sign" in 1997 to "The General Assembly ... invites all States ... to accede to it without delay" in 2018.⁵¹

The resolution emphasizes "the desirability of attracting the adherence of all States to the Convention" and the need to "work strenuously towards the promotion of its universalization and norms".⁵² The year 2018 saw a record number of votes in favour of the resolution, with 169 States voting in favour, none voting against, and only 16 abstaining. Each year in the past decade, about half of the States not party to the Convention voted in favour of the resolution, thus affirming their "determination to put an end to the suffering and casualties caused by anti-personnel mines".⁵³ The International Campaign to Ban Landmines views such votes as a positive interim step on the path towards eventually joining the Convention. More than a dozen States have adhered after voting in favour of consecutive resolutions.⁵⁴

Universalization contact group

In the early years of the Convention, an informal forum emerged where diplomats and other supporters could share

information and coordinate action. The Universalization Contact Group, first chaired for many years by Canada and then by other volunteer States, grew to comprise forty or more individuals attending its meetings to strategize on universalization efforts in a non-official manner, raise the profile of universalization, and share information on available tools.⁵⁵ Such a spirit of partnership and of informal collaboration is characteristic of the Convention and, while the activities of the contact group have been less prominent in recent years, leading States continue to share information on universalization in the context of regular Coordinating Committee meetings chaired by presidents of Convention meetings.⁵⁶

Work of the International Committee of the Red Cross

In order to facilitate the work of government authorities, the Advisory Services of the International Committee of the Red Cross have produced model instruments of ratification and accession, fact sheets and an information kit on the development of national implementation legislation.⁵⁷ The importance of such practical tools cannot be overstated, as sometimes it is the administrative practicalities that get in the way of accession. These documents are quick reference guides that can help any universalization advocate provide useful answers on legal steps towards accession. As an early proponent of the ban on landmines, the International Committee of the Red Cross “continues to promote adherence to the Convention in bilateral dialogue with these States not party to the Convention, in multilateral fora and in the numerous training sessions on [international humanitarian law] it organizes each year”.⁵⁸ Support and active engagement from the guardian of international humanitarian law have been crucial to the universalization of the Convention.

Advocacy by the International Campaign to Ban Landmines

Non-governmental organizations that are members of the global coalition International Campaign to Ban Landmines (ICBL) carry out tireless advocacy at the national level, wherever feasible, encouraging the authorities to renounce anti-personnel mines and to join the Convention. This can include, for instance, bilateral meetings and correspondence with government officials and decision-makers and, additionally, the dissemination of accurate data on the problem posed by anti-personnel mines through publications, media work and public events. ICBL ensures that survivors of landmine explosions, family members of people killed by landmines, and other representatives of affected communities participate meaningfully in advocacy efforts, including through direct bilateral meetings with government officials.

At the international level, representatives of ICBL, including 1997 Nobel Peace Prize Co-Laureate Jody Williams, hold bilateral meetings with government officials and deliver statements in United Nations forums, ensuring that the landmine issue remains on the public affairs agenda. For many years, retired Indian Ambassador Satnam Singh contributed to ICBL's promotion of the Convention as Diplomatic Advisor, traveling to States not party to meet with decision makers. ICBL is also known for its research initiative, Landmine Monitor, the world's most comprehensive repository of accurate data on the status of the global anti-personnel mine problem and on the international community's response to it. By asking questions on adhesion status to States not party, the Monitor's researchers contribute to scrutiny of State policy regarding anti-personnel mines.

Joint adhesion

There are not many examples of States joining the Convention simultaneously as a confidence-building measure, but a notable one is from Greece and Turkey. In April 2001,

during a visit to Ankara by the Greek foreign minister, both countries announced that they were going to join the Convention at the same time.⁵⁹ The initiative was widely welcomed internationally. The Turkish foreign minister wrote: “[T]his is an important confidence-building measure which will contribute to security and stability in the region.”⁶⁰ A few days later, at the Conference on Disarmament, the two countries delivered a joint statement calling on all States to also join the Convention.⁶¹ ICBL continues to encourage other neighbour countries to include the issue of anti-personnel mines in their bilateral dialogue and to consider joining the Convention simultaneously.

Interim steps

Short of joining the Convention, States can still take interim steps such as destroying stockpiles, enacting a moratorium on exports of anti-personnel mines, undertaking minefield clearance or disclosing information on how many mines they possess. While such measures are not as significant as adhering to the Convention, they may show a State’s support for the eventual global elimination of anti-personnel mines and help to grow the stigma against the weapon. Recent examples of noteworthy interim steps include a *de facto* halt on the production of anti-personnel mines in Singapore⁶²—one of the last producing countries—and an announcement by the United States that it was renouncing the use of anti-personnel mines worldwide except in the Korean Peninsula.⁶³ Submitting full or partial voluntary transparency reports⁶⁴ to the United Nations Secretary-General, through the United Nations Office for Disarmament Affairs, has been a popular interim step; States not party Azerbaijan, Lao People’s Democratic Republic, Mongolia, and Morocco have submitted transparency reports in recent years, while the State of Palestine and Sri Lanka both submitted such reports before joining the Convention.

Universalizing the norm

Adhering to the Convention is a State prerogative. Whenever a State becomes legally bound by the Convention, the prohibition on landmine use and the other prohibitions of the Convention apply to anyone on the national territory, including to non-State armed groups.⁶⁵ But as non-State armed groups cannot themselves take the formal step of joining the Convention, several organizations active in various countries have sought alternative methods of engaging with them to secure their adherence to the anti-personnel mine ban principle. For example, to date, 52 non-State armed groups around the world have pledged not to use anti-personnel mines through their signature of the Deed of Commitment for Adherence to a Total Ban on Antipersonnel Mines, an initiative of the non-governmental organization Geneva Call.⁶⁶ Other members of ICBL have also engaged non-State armed groups, such as in Myanmar and the Philippines. References to a ban on anti-personnel mine use and/or to cooperation on landmine clearance were included, in recent years, in peace agreements negotiated between the State and non-State armed groups in Nepal⁶⁷ and Colombia,⁶⁸ among others.

Conclusion

The Convention successfully stigmatized the use of anti-personnel mines and the vast majority of States that have not yet adhered to the instrument abide de facto by its core prohibitions: they do not use, produce or sell the weapon. The practical means towards universalization of the Convention reviewed above cannot work in isolation—an array of them must be deployed by various actors in order to bring additional States on board. Other means used in the early years of the Convention, such as military-to-military dialogue, could also be revived as they held great potential. ICBL believes that all States can, and ultimately will, join the Convention.



Unexploded ordnance at the 2015 Bangkok Symposium. © AP Mine Ban Convention ISU

Landmine stockpiles and their destruction

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Summary

Most anti-personnel landmines possessed by States that joined the Anti-Personnel Mine Ban Convention were swiftly destroyed before it entered into force on 1 March 1999. In the 20 years since, there has been steady progress in destroying remaining stocks, resulting in the destruction of more than 55 million anti-personnel landmines by 92 States parties. The vast majority of those stockpiled anti-personnel mines were destroyed within the treaty's four-year deadline. This was facilitated by the treaty's unique cooperative compliance provisions and mechanisms, as well as by its community of supporters. However, the impressive compliance record by most States parties was unfortunately not met by all as a handful missed deadlines, some significantly, in completing their stockpile destruction obligations. Two States remain in serious violation of the treaty's stockpile destruction obligation.⁶⁹

Introduction

The Convention comprises an unprecedented combination of disarmament provisions and humanitarian goals. The comprehensive prohibitions on anti-personnel landmines

stigmatize these explosive weapons, which are detonated by the presence, proximity or contact of a person. The Convention contains firm deadlines requiring clearance of mined areas within 10 years, while States “in a position to do so” are obliged to provide assistance to landmine victims.

The requirement that States parties destroy their stockpiled anti-personnel mines within four years is one of the most visible examples of how the Convention is helping to eradicate these weapons.

This chapter looks at how landmines were once manufactured and transferred around the world, creating massive stockpiles that were used to the detriment of human lives and limbs. It reviews the largely successful implementation of the Convention’s stockpile destruction obligations over the past two decades despite some serious challenges. The chapter considers how the Convention’s unique set of compliance provisions and mechanisms, as well as its community of practice, have helped States avoid and resolve stockpile destruction issues. Finally, the chapter provides some lessons learned.

Unless noted, all facts and figures contained in this chapter come from the Landmine Monitor reporting initiative by the International Campaign to Ban Landmines (ICBL), which has closely tracked and reported on stockpiling and destruction of anti-personnel mines since 1999.⁷⁰ Human Rights Watch provides research and editing for this civil society-based verification initiative to systematically monitor a major multilateral disarmament and international humanitarian law agreement.⁷¹

Landmine stockpiles

In their seminal 1993 report *Landmines: A Deadly Legacy*, ICBL co-founders Human Rights Watch and Physicians for Human Rights described landmines as “weapons of mass destruction in slow motion” due to their widespread proliferation, longevity and the devastating harm caused by

decades of unrestrained use.⁷² That report showed how weak and convoluted rules governing the use of landmines had been widely ignored, creating a complex humanitarian tragedy over the long-term.

More than 50 States produced anti-personnel mines at some time, of which 41 stopped before or upon joining the Convention. But by that point, the damage had already been done. Hundreds of millions of anti-personnel landmines had been transferred around the world for decades, creating massive stockpiles. Some stockpiled landmines were abandoned or looted and other stocks were used, but many remained in their storage crates, untouched as the stigma against landmines grew.

The first annual Landmine Monitor report estimated that more than 250 million anti-personnel mines were stored in the arsenals of 108 countries. When it was presented to States attending the Convention's first Meeting of States Parties held in May 1999 in Maputo, ICBL called for a major effort to eradicate landmine stockpiles as a form of "preventive mine action".⁷³

Nearly all the 33 States not party to the Convention are still believed to stockpile landmines, despite limited information.⁷⁴ But over time, major non-signatories have made notable announcements and disclosures concerning their landmine stocks as a gesture of goodwill and transparency. At the Convention's third Review Conference in 2014, the United States announced that it had prohibited production of anti-personnel mines and disclosed that it possessed a stockpile of three million mines, a significant reduction from the more than 10 million previously reported by the United States Government. China stated that it held fewer than five million mines, a massive decrease from the long-standing estimate of 110 million mines.

Fewer non-State armed groups are able to obtain factory-made anti-personnel mines now that production and transfer have largely halted under the Convention. In States outside the

Case studies

Chile

Chile, a State party to the Convention, completed the destruction of its stockpile of 299,219 mines in August 2003, well in advance of the deadline of 1 March 2006. The process was notable for its transparency and high-level support. Its army and navy destroyed the stocks by open detonation with assistance provided by the Organization of American States. Then-Minister of Defense Michelle Bachelet attended and spoke at several events held to mark the progressive destruction of the stocks. ICBL, Landmine Monitor and the media were also invited to witness the stockpile destruction at these events. In 2003, Chile announced that it would reduce, from 28,647 mines, the number of anti-personnel mines that it initially reported would be retained for training and research. It now retains just over 2,000 mines.

Japan

Japan, also a State party, completed the destruction of its stockpile of one million anti-personnel mines within weeks of the Convention's 1 March 2003 deadline. It contracted three private companies to destroy the mines at a cost of ¥2.068 billion (US\$ 17.8 million). The process was notable for its high-level political support and engagement by communities living near the destruction facilities. Japan's Prime Minister addressed 300 children from around the country at a youth summit on solutions to the landmine crisis that followed an official ceremony organized by the mayor of Shin-Asahi to mark the completion of the destruction process. Landmine Monitor visited the stockpile destruction facility in 2000, when Association for Aid and Relief Japan and the town organized a 70-kilometer charity run with landmine survivor and former deminer Chris Moon to raise awareness and support for the Convention.

Convention, some have acquired landmines by stealing them from government stocks or removing them from minefields. However, most have made their own improvised landmines from locally available materials. These are often known as victim-activated improvised explosive devices. These are also banned by the Convention.

Stockpile destruction

By the time the Convention entered into force, more than 12 million stockpiled anti-personnel mines had already been destroyed by States committed to relinquishing the weapons. Canada, Norway and 10 other signatories and States parties had completed the destruction of their anti-personnel mine stocks, while 18 more were in the process of doing so, including France, Italy, Netherlands and the United Kingdom.⁷⁵

By the Convention's first Review Conference in 2004, 65 States parties had completed the destruction of their stockpiles, collectively destroying more than 37.3 million anti-personnel mines.⁷⁶ No State party facing the first stockpile destruction deadline of 1 March 2003 failed to meet it. Italy destroyed the most mines (7.1 million), followed by Turkmenistan (6.6 million), while Albania, France, Germany, Japan, Romania, Sweden, Switzerland and the United Kingdom each destroyed more than 1 million anti-personnel mines.

By the time of the Convention's second Review Conference in 2009, 86 States parties had completed the destruction of their stockpiles, eliminating a collective total of 44 million anti-personnel mines.⁷⁷ However, a handful of States completed destruction of their stockpiles days or months after their respective deadlines had passed.

According to Landmine Monitor's count, a total of 92 States parties had destroyed a collective total of more than 55 million stockpiled anti-personnel mines as at 2019, the year of the Convention's fourth Review Conference.

However, there were certain exceptions to this impressive record; four States parties missed their stockpile destruction deadlines by years.⁷⁸

Ultimately, none of the stockpiled anti-personnel mines posed significant technical issues for States parties to destroy, with two notable exceptions: the Soviet-made PFM-type scatterable mines and United States-made area denial anti-personnel mines (ADAM) that were artillery-delivered.

Referred to by Afghans as “butterfly” mines due to their unique shape and bright colour, the Soviet-made PFM-type scatterable anti-personnel mines contain a toxic liquid explosive filling (VS6-D) that renders them extremely dangerous and difficult to destroy. PFM mines are packed in containers for delivery by helicopter, rocket or ground dispenser, which has added another complication, as their destruction requires sophisticated environmental pollution control measures.

Ukraine missed its stockpile destruction deadline due to the challenges it has faced in destroying the 6 million PFM-type mines. Belarus faced similar challenges but completed the destruction of its 3.3 million PFM-type mines in April 2017, while North Macedonia and Turkmenistan also destroyed stocks of PFM-type mines.

The United States-made ADAM mines stockpiled by Greece and Turkey contain a small amount of depleted uranium that requires a special industrial process to destroy, so the projectiles containing the ADAM mines were transferred to Germany for demilitarization at a specialized facility.

Any assessment of stockpile destruction under the Convention would be incomplete without considering Article 3’s provision that allows a State party to retain or transfer “a number of anti-personnel mines for the development of and training in mine detection, mine clearance, or mine destruction techniques”.

Of the 164 States parties, 71 have retained anti-personnel mines for training and research purposes, of which 37 retain more than 1,000 mines and 4 retain more than 12,000 mines each.⁷⁹ The remainder each retain fewer than 1,000 mines. Another 86 States parties have declared that they do not retain any anti-personnel mines, including 34 States that stockpiled anti-personnel mines in the past.

Over the past 20 years, ICBL concerns that the retention provision would be abused by a State party using such mines in combat have not been realized. There have been some close calls that were resolved in true cooperative compliance fashion through quiet and sustained follow-up with the State party concerned.

However, the retention by certain States of several thousand or more than 10,000 mines still raises significant compliance questions for the Convention. ICBL is especially concerned by States parties with retained mines that have never been used for the Convention's permitted purposes, as these are in essence stockpiled mines.

Cooperative compliance

Each State party facing the Convention's stockpile destruction deadline has met that obligation, with a handful of exceptions, some serious. This section looks at how the Convention's innovative cooperative compliance provisions and mechanisms helped contribute to this largely positive outcome.⁸⁰

During the whirlwind Ottawa Process that created the Convention, States prioritized securing an unequivocal prohibition of anti-personnel mines over creating complex verification provisions. According to one diplomat, "the thinking at the time by the majority of negotiating States was that it should be politically so costly to breach the obligations of the Convention that it would deter anyone from doing it".⁸¹

A unique “cooperative compliance” approach, proposed by Canada in early 1997, was ultimately incorporated into the final text of the Convention. Under Article 8, States parties commit to “consult and cooperate with each other” and “work together in a spirit of cooperation” to implement provisions by providing financial, technical and other assistance.

According to ICBL Chair, Stephen D. Goose of Human Rights Watch, the cooperative compliance approach “assumes goodwill on part of all States parties ... to try to resolve issues in the quietest, friendliest, least confrontational manner” by emphasizing assistance to States parties to meet their obligations rather than criticism for failing to do so.⁸²

Article 8 also lists five compliance steps that the Convention’s States parties can follow, but none have been attempted over the past 20 years.⁸³ In addition, the Convention’s Article 6 provision stipulates that States parties requiring assistance to fulfil their implementation obligations should “seek and receive assistance” from other States parties. Furthermore, Article 7 requires States parties to provide a report on transparency measures detailing their implementation within six months of the Convention taking effect for that country and annually thereafter, by 30 April.⁸⁴

The transparency reporting requirement has provided States parties, Landmine Monitor and others with a particularly valuable tool to review and confirm data on stockpiled landmines, as well as track efforts to destroy them.

From the outset, the Convention lacked a standing institutional structure. This reflected the desire of States to spend funds in the field on mine clearance and victim assistance rather than on costly secretariats.⁸⁵ It also was due to concern that States parties remain actively involved in overseeing implementation and addressing challenges.

Over the past two decades, States parties and the Anti-Personnel Mine Ban Convention community have gradually put in place a web of mechanisms and structures to enable

implementation concerns to be resolved cooperatively before they escalate. A lightly staffed Geneva-based Implementation Support Unit supports States parties, including the chairs of various committees that oversee the implementation of specific Convention provisions.

The Convention's system of regular meetings and informal sessions have facilitated support for stockpile destruction by issuing joint action plans urging States parties that missed their deadline to comply without delay and communicate their plans to do so, as well as request assistance. The Convention's rotating stockpile destruction chairs have overseen destruction efforts, helping States parties to overcome challenges.

Lessons learned

Below are seven lessons that can be drawn from stockpile destruction under the Anti-Personnel Mine Ban Convention.

First, establish a clear deadline and robust transparency mechanisms. Without the four-year stockpile destruction deadline, it is highly unlikely that the Convention's impressive compliance rate could have been achieved. ICBL fostered positive competition, challenging States parties to declare and destroy their stockpiled mines in advance of the four-year deadline, setting certain events and earlier dates as completion targets.⁸⁶

Second, ride the political momentum generated from the Convention negotiation process. ICBL encouraged swift destruction of stockpiled mines as an optimal and highly visible way for States to demonstrate their strong commitment towards implementation. Heads of States and senior ministers attended completion events covered by media with campaigners and survivors present.⁸⁷

Third, ensure that States parties requiring implementation support receive the financial and technical aid they seek. Most national militaries disposed of their own landmine stocks,

sometimes with external donor funding, but more often after their governments allocated a budget to ensure destruction. Mine action operators, police and others played a supportive role by assisting with inventory reviews, determining how to safely destroy landmines and assisting with physical destruction of stocks.

Fourth, realize that physical destruction of landmines generally does not require sophisticated facilities. The vast majority of stockpiled anti-personnel mines were destroyed through open burning or open detonation. Where the size of the stockpile or environmental constraints precluded this, States parties often transferred mines to be destroyed at facilities in other countries operated by private companies. Ultimately, no stockpiled anti-personnel mines posed significant technical issues for States parties to destroy with two notable exceptions: the Soviet-made PFM-type scatterable mines and ADAM artillery-delivered mines.

Fifth, the Convention experience demonstrated some of the side benefits that can come from the stockpile destruction. Several States parties developed industrial processes to recover and recycle components with economic value as scrap metal. In some cases, the components were directly recycled into products. For example, Afghanistan melted the metal bodies of bounding fragmentation mines and refabricated them as manhole covers, while Ukraine has recycled the plastic bodies of some of its mines and made toy pelicans for children.

Sixth, civil society support and scrutiny are crucial to ensuring full compliance. Landmine Monitor published its first report prior to the submission deadline for States to provide their initial transparency reports under Article 7, thereby setting the standard for comprehensive and detailed reporting. Landmine Monitor's analysis of Article 7 reports, together with its inquiries, reminders and offers of assistance, have helped generate momentum towards stockpile destruction. When Landmine Monitor finds inconsistencies and irregularities, it

engages with the State party concerned to seek clarification and try to resolve the matter directly.

Finally, the experience shows how no one wants to be at the top of the list when it comes to stockpiling weapons. In addition to tracking stockpiled mines, Landmine Monitor closely reviewed the quantities of mines retained by States parties, drawing special attention to those retaining several thousand or more than 10,000 mines. Dozens of States parties perceived this as negative publicity, especially if they were at the top of the list with the most mines, and responded by reducing the number retained or destroying the mines altogether.

Conclusion

Over the past 20 years, the United States and other non-signatories have declined calls to join the Anti-Personnel Mine Ban Convention yet tacitly supported it from the sidelines. Their arguments against joining have diminished and now boil down to a general scepticism over the utility of multilateral treaties, as well as objections with the unconventional and unprecedented way in which the Convention was negotiated outside of United Nations auspices (but with firm United Nations support).

Yet the Convention is thriving and provides a prime example of a multilateral instrument that is working to reduce and prevent human suffering. This is seen vividly in the way in which States parties have swiftly destroyed their stockpiled mines.

Those facing such challenges in completing their stockpile destruction obligation have not been met with condemnation but rather with the cooperative compliance approach. The method seems to be working as 20 years on, no State party has triggered the Convention's Article 8 provisions, yet.



A female deminer in Juba, South Sudan. UNMAS/Marco Grob

Clearance under the Anti-Personnel Mine Ban Convention

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Introduction

In early 1997, Diana, Princess of Wales, walked in an active minefield in Huambo, Angola, spurring international action to ban anti-personnel mines. Sadly, she did not live to see the adoption of the 1997 Anti-Personnel Mine Ban Convention. But 22 years later, in September 2019, her son, the Duke of Sussex, visited that former minefield, which has become a “bustling community”.⁸⁸ Such is the transformative power of mine clearance.

At the outset of negotiations that led to the Convention,⁸⁹ it was, however, far from certain that a duty to clear emplaced anti-personnel mines within a set period of time would be part of the Convention’s substantive obligations. The draft text put forward by civil society did not contain any deadline (although the importance of clearance was certainly underscored in the body text)—nor did the first draft text of the Belgian Government. In contrast, the Austrian Government’s draft texts did incorporate deadlines—five years at first and, subsequently,

10 years—but without possibility for any extension. Separately during the negotiations, the United Kingdom, mindful of the contamination remaining on the Falkland Islands (Malvinas),⁹⁰ sought—but failed—to restrict the duty to clear to only those anti-personnel mines having a humanitarian impact.⁹¹ In any event, a clearance obligation would mark a departure from earlier disarmament treaties.

Article 5, as ultimately adopted, sets out a series of clear obligations. The overriding responsibility upon each State adhering to the Convention is to clear and destroy all anti-personnel mines in all mined areas under its jurisdiction or control *as soon as possible but not later than ten years* after becoming party to it.⁹² The notion of “jurisdiction” over geographical area concerns, first and foremost, sovereign territory (whether metropolitan or non-metropolitan), whereas “control” concerns other territory that a State occupies abroad.⁹³

The survey of mined area was not explicitly made part of the substantive obligations set out in the Convention. It is, however, encapsulated in the duty in Article 5 (2) to “make every effort to identify” all mined areas containing anti-personnel mines. Honoured more in the breach than the observance has been the consequent duty to mark and fence mined areas, once they have been identified,⁹⁴ but this remains, notionally, a substantive requirement under the Article.

The crux of the Article is the duty to clear and destroy all anti-personnel mines in mined areas. The negotiating States understood that, for heavily affected States, 10 years would not suffice to complete clearance of all mined areas. For this reason, an approach adapted from the Chemical Weapons Convention’s provisions on the destruction of stockpiles was incorporated in Article 5 of the Anti-Personnel Mine Ban Convention. Paragraph 3 of the Article allows a State party that believes it will be unable to complete clearance within 10 years to request at a meeting of States parties or a review conference to extend the deadline for a further period of up to

10 years. There is no limit laid down in the Convention upon the number of deadline extensions that may be sought, although the obligation to complete clearance *as soon as possible* should not imply that slow progress will result in the open-ended granting of extension requests.

Successes in implementing the duty to clear and destroy

In some ways, Article 5 has been an astonishing success. As the Convention was being negotiated, it was not even known exactly how many States were affected by anti-personnel mines. A baseline was swiftly established by the Landmine Monitor, published by the International Campaign to Ban Landmines (ICBL). In 1999, the Landmine Monitor suggested that as many as 91 States were affected by mines or unexploded ordnance. Over time, five further States were found to have confirmed or suspected mined area—three as a result of new information⁹⁵ and two as a result of existing States allowing part of the sovereign territory to secede and become a new State,⁹⁶ while seven States were found to be affected only by unexploded ordnance.

In the past 20 years, however, 33 States have completed mine clearance, including several heavily affected States, such as Algeria and Mozambique.⁹⁷ All but one of the 33 States (Nepal) are party to the Convention. Jordan and Palau are the most recent States parties to have fulfilled their Article 5 obligations. Thus, as at 1 October 2019, globally, 56 States were suspected or confirmed to be contaminated by anti-personnel mines. Of these, 34 are States parties to the Convention:⁹⁸ Afghanistan, Angola, Argentina⁹⁹, Bosnia and Herzegovina, Cambodia, Cameroon, Chad, Chile, Colombia, Croatia, Cyprus, Democratic Republic of the Congo, Ecuador, Eritrea, Ethiopia, Iraq, Niger, Nigeria, Oman, State of Palestine, Peru, Senegal, Serbia, Somalia, South Sudan, Sri Lanka, Sudan, Tajikistan, Thailand, Turkey, Ukraine, United Kingdom,¹⁰⁰ Yemen and

Zimbabwe.¹⁰¹ Twenty-two States not party are also suspected or confirmed to have mined areas.¹⁰²

Globally over the past 20 years, a total of at least 2,880 square kilometres of mined area have been cleared (an area greater than the sizes of Nairobi, New York City and Rome combined), with the destruction of more than 4.6 million anti-personnel mines. Countless lives and limbs have undoubtedly been saved as a direct result of mine action and an untold number of communities have been freed from the fear of mines, while the contribution to development through the handing back of land for safe and productive use cannot readily be overstated. During the past two decades, the high-water mark for global clearance was in 2010 when more than 200 square kilometres of land were cleared, along with the destruction of more than 388,000 anti-personnel mines. Afghanistan and Cambodia have led the way, together accounting for almost half of all global clearance in several years. Since then, global clearance has fallen to around 150 square kilometres annually, with austerity measures in many countries leading to a reduction in donor funding.

Although all estimates should be treated with caution—and the picture is complicated by the addition of significant amounts of new contamination from anti-personnel mines of an improvised nature in a relatively small number of countries—probably less than 2,000 square kilometres remain to be cleared. This points to a finite problem, capable of positive resolution.

Lessons learned

While the concept of land release (i.e., the process of applying all reasonable effort to identify, define, and remove all presence and suspicion of mines through non-technical survey, technical survey and/or clearance) did not exist when the Convention was drafted and entered into force, it has rightly become the backbone—and mainstream—of demining methodology in the intervening years. At the heart of efficient

land release is high-quality evidence-based survey to identify mined areas and help ensure that clearance is only undertaken in areas where there is direct evidence of contamination. During the first 15 years of the Convention's life, the quality of survey by international mine action organizations and others typically left a lot to be desired. Particularly at issue was the Landmine Impact Survey (LIS). It was conceived with the best of intentions: to identify all the mined areas and explosive remnants of war-affected areas in a country and to determine their impact on nearby communities. But instead of generating a robust baseline of contamination for the purpose of Article 5 implementation, it led to many suspected hazardous areas being entered in the national mine action database that would prove to contain no contamination at all, while the size of those suspected hazardous areas that were actually contaminated was often vastly inflated.

Globally, mine action has paid, and continues to pay, a heavy price for these early mistakes in surveying. Bosnia and Herzegovina, for instance, one of those countries in which an LIS was conducted in 2003, still does not have an accurate picture of baseline contamination more than 20 years after becoming a State party to the Convention. A nationwide survey, termed a "country assessment", is now under way with a view to enabling a far more accurate baseline to be established.¹⁰³ In Angola, more than 90 per cent of suspected hazardous areas recorded as a result of inflated estimates from a 2004–2007 LIS were cancelled during re-survey, now almost complete.¹⁰⁴ In Thailand, precious time is similarly being used up correcting problems from the LIS conducted there in 2001. Since 2016, the Thailand Mine Action Centre (TMAC) and Norwegian People's Aid have been working on a pilot project to re-survey the inflated suspected hazardous areas in the national mine action database. Taking into account the results of the pilot project, TMAC has forecast that up to 80 per cent of existing suspected hazardous areas can be cancelled or reduced through surveying, so it will be focusing their efforts in 2019 and 2020



Training of a deminer in the Democratic Republic of the Congo in March 2011.
UNMAS/Gwenn Dubourthoumieu

on cancelling land through non-technical surveys before moving on to technical surveys and full clearance from 2021 to 2023.¹⁰⁵

The International Mine Action Standards, which were developed collaboratively by experts in the sector, have continued to evolve throughout the 20 years of the Convention to capture and promote minimum good practice (including, crucially, on land release). They serve as an invaluable tool for helping national authorities develop their own national standards.

Increasingly, and justifiably, there has also been a growing appreciation of the value of adopting a country-focused approach to Article 5 implementation, in which national authorities and implementing in-country partners (including clearance operators and donors) meet regularly in a collective forum to openly and transparently discuss progress and challenges to surveying and clearance. Effective country-focused partnerships will be a crucial element in helping the remaining affected States parties to clear all mined areas on their territory.

Challenges of implementation

Until recently, the greatest challenges to successful implementation of Article 5 have not been new contamination but slow progress in ridding affected States of long-standing “legacy” contamination. There are various reasons impeding progress. Although funding shortages are certainly a factor in some cases, they are not the primary obstacle; donor nations have been remarkably generous to mine action over the past 20 years, contributing upwards of US\$ 10 billion, first and foremost to demining operations. The authors believe that political will is typically the deciding factor, as borne out by States parties who have demonstrated commitment to meeting their obligation to conduct and complete clearance *as soon as possible*. Their successes offer an example to other States parties that have requested extensions—although some could conceivably have completed clearance years ago. Some States

allowed their original Article 5 deadline to expire without clearing a single mined area. In 2018, several States parties did not release any mined area, putting their compliance with the duty in Article 5 to complete clearance “as soon as possible” into very serious question.¹⁰⁶

The Convention machinery has sought to address some of the challenges in implementing Article 5. The scenario that a State party would not be aware that it was contaminated was simply not envisaged. Yet the governmental authorities in the Niger found they had colonial-era contamination remaining when a non-governmental organization visited the northern border in 2012—after the Niger’s Article 5 deadline had expired.¹⁰⁷ Nor was it envisaged that, even when survey and clearance operations had concluded, significant numbers of previously unrecorded mined areas might be subsequently discovered.

To address this unforeseen or unrecorded contamination, the States parties agreed in 2012 that if new or previously unreported anti-personnel mine contamination were identified, the affected State party should inform all other States parties of its discovery; undertake to clear the anti-personnel mines as soon as possible; report the situation in accordance with Article 7 of the Convention; and, if unable to clear the mined area before the next Meeting of States Parties or Review Conference (whichever falls earlier), submit a request for an extended Article 5 deadline.¹⁰⁸

New mines were not expected to be laid. While States parties themselves have occasionally added to the contamination, the vast majority of new contamination among States parties is from the use of mines, especially anti-personnel mines of an improvised nature, by armed non-State actors. This includes, among others, the Islamic State across Iraq (and in the Syrian Arab Republic,¹⁰⁹ a State not party), by the Taliban and other non-State armed groups in Afghanistan,¹¹⁰ by the Houthis in Yemen¹¹¹ and by Boko Haram in the Lake Chad

Basin region.¹¹² These improvised mines are captured by and prohibited under the Convention whenever they are designed to be exploded by the presence, proximity or contact of a person. The mine action sector must ensure that best practice and lessons learned over the past 20 years of the Convention are applied to the recording, survey and clearance, along with the reporting of this new contamination.

Other challenges to the Convention architecture have involved a refusal or failure to request an extension to an Article 5 deadline before expiration—a potential serious violation of international legal obligations. In formal communications in 2016 and 2018 to the United Nations Secretary-General, the depository of the Convention,¹¹³ Ukraine asserted that application of the Convention was “limited” as a consequence of its lack of control of the territory. In November 2018, Ukraine submitted an Article 5 deadline extension request, which was considered and granted at the seventeenth Meeting of States Parties.¹¹⁴

Going forward

Overall, the Convention is in good health. While some major military powers remain outside its purview, use of this inhumane weapon is largely restricted to groups that employ terror as a method of warfare. In less than 25 years, a once indispensable and ubiquitous weapon of war has rightly come to be perceived as a cold-blooded killer of civilians. This is a testament to the Convention.

Globally, more than 96 per cent of the total recorded clearance of more than 155 square kilometres in 2018 occurred in States that are party to the Convention. This shows the importance of the Convention as a motivation for action. But, at the same time, several affected States parties seemingly released no mined area through survey or clearance in 2018. For two of those States, there are issues relating to access to mined areas that they claim to be under their jurisdiction but

that are not under their control. Two States from the Lake Chad Basin are seemingly contaminated by anti-personnel mines of an improvised nature resulting from ongoing conflict, and they need to report mined areas and efforts to address them under Article 7, as well as request a new Article 5 deadline. Three others have not been able to provide justification for their lack of land release.¹¹⁵

More positively, over the coming 18 months, both Chile and the Democratic Republic of the Congo are expected to complete mine clearance in their respective territories. Chile has an Article 5 deadline of 1 February 2020 while the Democratic Republic of the Congo is obligated to complete clearance by 1 January 2021. In addition, Sri Lanka may complete mine clearance in the course of 2021 (well in advance of its Article 5 deadline), which would make it one of the most heavily affected States yet to do so.

However, it is not only about States parties completing their Article 5 obligations, but also about *how* they get to completion. Ensuring high-quality survey and clearance operations, supported by solid information management and quality management systems, helps avoid issues further down the line. The mine action community is also rightly seeking to strengthen performance in areas that were not adequately covered in the initial Convention text 20 years ago. Two such examples are the need for affected States parties to prepare sustainable national capacity to tackle residual risk after completion of Article 5 obligations, and the importance of ensuring gender- and diversity-sensitive mine action programming. In most States parties, significant work is still needed to integrate gender and diversity considerations in mine action, including by removing barriers to the full, equal and meaningful participation of women.

The third Review Conference of the Convention in Maputo set the aspiration of completing by 2025 the clearance of all mined areas, in affected States parties, containing anti-personnel

mines. This target—which encourages affected States parties to set an end date for completion of clearance and strive to avoid recurrent requests to extend their Article 5 deadlines—was never going to be fully achieved, but as at late 2019, the figures are discouraging. Initial analysis by the Mine Action Review, based on current progress, suggests that only one in five of all affected States parties *would* meet the 2025 aspiration, a further one in five *might* meet it, while the remaining three in five would be unlikely to complete clearance by 2025.

It is, however, not too late to improve this trajectory. With the exception of the most contaminated countries or those with ongoing conflict or access issues, most States parties could still complete clearance by 2025 if national authorities, operators, and donors were to employ the right resources in the right way. But this is a big “if”, which will require stronger leadership and commitment from all, sustained funding and adoption of the most efficient and effective land release possible.

Even if the 2025 deadline is missed by some countries, a further significant date is 2030, the deadline for the achievement of the United Nations Sustainable Development Goals. Target 16.1 seeks a significant reduction in all forms of violence and related death rates everywhere.¹¹⁶ This could leave just a small number of conflict-affected regions to be addressed in the 2030s.

The pledge to “leave no-one behind”, contained in the 2030 Agenda for Sustainable Development, should be embraced by States parties to the Convention and the mine action community. We must collectively ensure that all affected States parties—with long-standing contamination or with more recently laid mines—are helped to complete clearance and make it across the finishing line. We owe this to the women, men, boys and girls whose lives continue to be impacted by these pernicious and devastating weapons. The full implementation of Article 5 of the Convention will be a landmark of human achievement.



A 10-year-old boy from Dar Al Salam, North Darfur, Sudan, who suffered burns to more than 90 per cent of his body due to the detonation of a device in November 2006.
UN Photo/Albert González Farran

International cooperation and assistance: A Norwegian perspective

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The 1997 Anti-Personnel Mine Ban Convention was the result of a partnership between States, civil society, the United Nations and other international organizations based on a shared goal: to protect people from weapons that continue to kill and injure long after a conflict has ended and to assist those who have already been harmed. Throughout the negotiation of the Convention, it was understood that implementation by some States parties of their obligations would require outside support of a technical, material and financial nature. The result was Article 6: a comprehensive approach to promoting fulfilment of the duties to destroy stockpiles, clear and destroy all emplaced anti-personnel mines, and assist mine victims.

Thus, whereas each State party is responsible for implementing the Convention in areas under its jurisdiction or control, the Convention obliges all *States parties in a position to do so to provide assistance for mine-affected States*. This chapter explores some approaches to cooperation and assistance, building on Norway's experience as a donor for mine action over the past 25 years. Norway currently contributes funding for survey and clearance of anti-personnel mines, cluster munitions and other explosive remnants of war in 20 countries, in direct

partnership with the international humanitarian demining organizations Norwegian People's Aid, Mine Advisory Group and The HALO Trust. Norway also contributes to victim assistance through the International Committee of the Red Cross (ICRC), the International Campaign to Ban Landmines–Cluster Munition Coalition (ICBL-CMC) and national non-governmental organizations (NGOs).

It has been a priority for Norway's presidency of the Anti-Personnel Mine Ban Convention's Review Conference in 2019 to increase political awareness of the continued relevance of the Convention in order to push the pace of implementation of all pillars of the Convention. A thematic debate held during the intersessional meetings of the Convention in Geneva in May 2019 at the initiative of the presidency engaged participants in a discussion on international cooperation and assistance around the following questions:

- What can be done to encourage more States to become donors for mine action?
- What role do donors play? How can donors partner around completion goals?
- Are there elements other than financial support that are important for countries in a position to provide assistance to keep in mind?
- How can cooperation and assistance within the Convention best support individual countries to reach completion of their Article 5 obligations, including those that may have new contamination resulting from new use of improvised mines?
- How can cooperation and assistance under the Convention be more closely linked to other areas of development cooperation (i.e., the Sustainable Development Goals, health, economic development, etc.)?

This chapter will not attempt to answer all the questions but will point to some factors that we consider to be essential

to strengthening both the incentives for—and the impact of—cooperation and assistance.

*

Norway has been a staunch supporter of the Anti-Personnel Mine Ban Convention since it was adopted in Oslo in 1997. We believed in 2014—along with many others—that the Maputo Declaration’s goal for States parties to intensify efforts to *fulfil their obligations as soon as possible and to the fullest extent possible by 2025* was within reach.

Over the past few years, we have witnessed an increase in the use of anti-personnel mines of an improvised nature (also known as improvised mines), mainly by non-State armed groups. This has resulted in an increased number of civilian casualties. Improvised landmines are not a *new* concept. What is new is the *magnitude* of the problem. Addressing the large-scale contamination from improvised mines—and the suffering they cause—will require a coordinated humanitarian effort and dedicated resources from the international community. According to Mine Action Review’s *Clearing the Mines 2019* report, published by the Norwegian People’s Aid, 56 States (including 34 States parties to the Convention) and three other areas are affected by anti-personnel mines.

Clearing areas in countries where improvised anti-personnel mines and explosive remnants of war have been used in recent armed conflict is necessary to ensure the return of internally displaced persons and refugees, as well as a return to normality for the population. This will be dangerous and time-consuming work. Donor countries must be committed for the long haul and the international community must be coordinated in their approach.

The challenges related to *new* use of improvised landmines have increased global political attention and funding for mine action. This is necessary and welcome but should not come at the expense of efforts to clear *legacy* contamination, which continues to be the main challenge in the majority of affected

States. Cooperation and assistance activities must strive to find a balance. The *Landmine Free 2025* campaign has been instrumental in refocusing attention on the commitment from Maputo.

What are the main obstacles to reaching the 2025 goal? Three suggestions were offered during the thematic debate in May: insufficient funding, limited political will and inadequate national mine action standards and baselines of anti-personnel mine contamination. These three factors are interrelated, and cooperation and assistance are relevant to all of them.

*

Through Landmine Monitor, the ICBL-CMC monitors funding levels and reports annually on international and national support for mine action. According to the 2018 report, the combined level of funding in 2017 was the highest ever reported and represented an increase of 36 per cent compared to 2016. A total of 38 States and three other areas received contributions from 37 donors in 2017. Eleven States and one area had only one donor. Ten affected countries reported providing national support for their own mine action programmes.

Landmine Monitor devotes some attention to patterns of change, such as increases and decreases in mine action funding by thematic sectors, recipient countries and donors. Although such figures tell us something about overall trends, they do not provide the full picture. Changes in donor contributions may be the result of currency fluctuations and funding shortfalls rather than shifts in political priorities and local situations. In addition, national contributions to mine action in affected countries tend to be under-reported, as few States parties report national funding as part of their Article 7 reports.

According to Landmine Monitor, almost 60 per cent of funding for mine action was dedicated to clearance and risk education in 2017. Risk education activities are often integrated into survey and clearance activities in local communities and are not always specified. Landmine Monitor further reports that



A carpet weaver in Afghanistan with a tapestry featuring the logo used for the Convention's meetings and conferences, 2006. ©AP Mine Ban Convention ISU

support dedicated to victim assistance represented 2 per cent of total international support for mine action. The real figure is likely to be higher since 37 per cent of all contributions are not disaggregated by donors or specifically earmarked for a particular pillar of mine action. Non-earmarked funding for mine action is provided to trust funds, United Nations agencies and NGOs. In addition, many donor States integrate support for mine victims into their contributions for broader development assistance frameworks relating to the rights of persons with disabilities, health, education, employment, development and poverty reduction. There is an issue of under-reporting for victims and other persons with disabilities since the Organisation for Economic Co-operation and Development/Development Assistance Committee markers for official development assistance do not provide a wide range of thematic objectives. Contributions channelled for instance through ICRC's annual landmine appeal are more easily identified as victim assistance than contributions to general programmes for development and for the rights of persons with disabilities.

Although 2017 saw the highest funding level, there is no doubt that financial support is unevenly distributed among donors and affected countries. Five States contributed 79 per cent of international support in 2017. The record 2017 total was primarily the result of massive increases in the contribution of United States and Germany for a few countries. The largest increases were for activities in Iraq and the Syrian Arab Republic. Mine action in five countries (Afghanistan, Colombia, Iraq, Lao People's Democratic Republic and Syrian Arab Republic) received 65 per cent of all international support in 2017. Iraq received the largest amount of funding (30 per cent) from the largest number of donors (17). More than 60 per cent of international support was provided for 16 countries and one other area, which has massive or heavy contamination.

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The figures above indicate that there is a potential to widen the donor base. Norway would like to see many more countries become donors and contribute to transparency in cooperation and assistance for mine action.

What motivates donors? Donor countries have different approaches to cooperation and assistance with affected countries. A humanitarian perspective takes as its point of departure the need to protect people living in contaminated areas and the legal obligation of the Anti-Personnel Mine Ban Convention to provide assistance to affected countries. A development perspective takes as its point of departure the need to release previously contaminated land to local communities to enable investments in infrastructure, agriculture, forestry, tourism and other drivers of social and economic development.

Some donors prefer direct partnerships with humanitarian demining organizations, victim assistance organizations or government agencies of affected States as part of bilateral development cooperation. Other donors channel funding through the United Nations Development Programme, funding mechanisms such as the United Nations Voluntary Trust Fund for Assistance in Mine Action administered by the United Nations Mine Action Service, or ITF (International Trust Fund) Enhancing Human Security.

It is Norway's view that more important than the *volume* of support, as measured by funding figures alone, is how resources are spent to create the greatest possible *impact*. It is our view that cooperation and assistance partnerships can contribute greatly to increasing the impact of ongoing mine action programmes in many countries, helping them complete clearance more efficiently.

Increased focus during the past few years on the goal of States parties becoming landmine-free by 2025 has fuelled debate among donors on whether to focus on helping selected countries cross the finishing line or on the 20 or so affected countries that receive little or no assistance for mine action.

Priority lists of affected countries can be drawn up on the basis of urgency and the potential for completion. It is possible to identify, for example, countries with limited contamination where progress can be accelerated with increased external funding over a short period of time, as well as countries with medium to heavy contamination, which will require a more coordinated approach and significant external funding levels to make real progress towards 2025.

Affected countries *that demonstrate strong national ownership* and political will towards completion are more likely to attract cooperation and assistance from other States. At the same time, the political will among donors to give priority to funding mine action will be influenced by national priorities and the degree to which investments in mine action are considered to achieve results.

The Norwegian presidency of the Anti-Personnel Mine Ban Convention's Review Conference in 2019 is dedicated to *increasing political awareness* internationally of the continued relevance of the commitments in the Convention. It is our hope that the new action plan to be adopted at the Review Conference in Oslo (25 to 29 November) for the next five-year period will provide new energy to implementation of all the pillars of the Convention.

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National ownership of the problem and the political will to assist are key factors of partnerships in cooperation and assistance. As 2025 moves closer, Norway would like the global mine action community to come together to make clear, concrete, country-specific and time-bound plans for how each country will become mine-free.

The *individualized approach* established by the Convention is an important tool in this regard. It provides a platform for dialogue on the status and challenges faced by States parties in the implementation of their obligations under the Convention. It enables donors and national authorities to meet in the margins

of intersessional and States parties' meetings to address the gap between needs and available resources in mine-affected countries. The challenge is how to follow up on this dialogue.

In addition to a formal individualized approach, it is clear that cooperation and assistance can be fostered through a variety of approaches. For example, there is an increasing understanding of the role that national dialogues involving all relevant stakeholders can play in monitoring and accelerating progress in mine action. A platform for such dialogue can provide the basis for consultations and consensus building, identify priorities and policy needs, and monitor activities with an emphasis on ensuring progress towards 2025. Additionally, a mine action platform can contribute to increasing the national visibility and clout for national mine action authorities, raising the interest and commitment of donors at the country level, providing a forum where stakeholders can share experience, and encouraging changes in national standards and practices if they are not up to date. The European Union–initiated national stakeholder dialogues, which are financially supported by the European Union's Council decisions, are such an approach and have played an important role in facilitating national workshops—for instance, to discuss the establishment of national action plans—in a number of affected countries. Whereas workshops can be instrumental in their own right, it is Norway's experience that workshops that are used to establish platforms for regular and ongoing dialogue between all stakeholders in mine action at country level can contribute to progress.

There are, in fact, surprisingly many affected countries where there are no opportunities for donors, national mine action authorities and demining organizations to meet to discuss challenges and experiences in a frank and open atmosphere. A donor that has a diplomatic presence in a mine-affected country could volunteer to serve as a “lead nation” and promote the establishment of a platform for dialogue by offering to host workshops at a technical level or by facilitating a mine action

stakeholder dialogue. Such a platform should be nationally owned and led; therefore a presence of a competent and committed national mine action authority is a precondition for success. Furthermore, this platform could be strengthened by operational assistance from a larger humanitarian demining organization.

It is essential that all voices can be heard and that even sensitive issues can be brought to the table among stakeholders who share a common interest of progress in mine action. Resources such as Mine Action Review's country-specific recommendations for action on Article 5 implementation can often serve as a useful starting point for discussions. A priority issue for a national dialogue should be the establishment of accurate baselines of contamination so that the extent of the problem is known. So far, only around 12 affected States parties have done so.

Although national ownership, defined by a high-level political interest and commitment to fulfilling the obligations of the Convention, is vital to ensuring progress in mine action, it is not necessarily a prerequisite for the establishment of a mine action platform. In fact, strengthening national ownership of an affected State could be one of the objectives of a mine action platform.

National ownership can be demonstrated by a clear understanding of the current situation or a commitment to undertake baseline surveys of contamination in the country, a realistic but ambitious plan to address the challenge as soon as possible and a national financial commitment by the affected State.

The convening power of a local "lead nation" or "champion donor" should not be underestimated. At the same time, the role of institutions such as the Geneva International Centre for Humanitarian Demining and other experts who can act as honest brokers in facilitating meetings and providing action points to be followed is essential—as is the requirement

for agreed action points to be circulated to participants after each meeting.

The case of Lebanon provides an interesting example. The Lebanese Mine Action Centre has shared the experience of Lebanon's recently established national mine action forum at several side events in Geneva. An initiative was taken by Norway in November 2017 to improve dialogue at the technical level between national authorities, demining organizations and donor embassies to address the slow pace of clearance of cluster munitions and anti-personnel mines in Lebanon. The Norwegian embassy in Beirut facilitated the first of several workshops that resulted in the establishment in 2018 of a national mine action forum. This forum continues to be convened twice a year by the Norwegian embassy and employs external moderators to enable all relevant issues to be addressed and follow-up points to be formulated. This has proven to be a success. Within a short period of time, Lebanese national mine action standards were brought in line with the international clearance standards, donor funding increased, and the operational efficiency of survey and clearance efforts improved considerably. It is envisaged that the present convening role of Norway in Lebanon will be passed on to other interested donors on a rotational basis.

There is no set formula for the composition of a national mine action platform. Existing mine action coordination structures need to be considered. The participation and buy-in of representatives from Governments, donors, international organizations and United Nations agencies, and NGOs are relevant.

From the Norwegian experience, focusing on survey and clearance at the technical and operational level has worked well in Lebanon. However, there are no reasons why other mine action forums should not also focus on other areas where challenges remain, such as victim assistance or the link to broader development policies and the Sustainable Development Goals. We would, however, caution against introducing a very

wide agenda to a very diverse group of stakeholders within one platform because it may make the dialogue less manageable and dilute responsibility for following up on action points.

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Cooperation and assistance partnerships at the country level as described above can also contribute to establishing or strengthening South-South capacity-building between mine action authorities in neighbouring countries or within the region, or sharing experiences of civil-military cooperation in mine action.

In many countries, mine action authorities are organized within the Ministry of Defence or a military command structure but may nevertheless cooperate closely with international humanitarian demining NGOs. Many of these NGOs have been instrumental in organizing visits for national mine action centre officials to other countries to learn practices and standards applied there. National mine action centres in heavily affected countries with long-standing programmes have the potential to serve as regional hubs that provide capacity-building and share best practices.

To conclude, national platforms for dialogue can ensure the *continuation* of an individualized approach with affected countries and should be established in all of them. They can ensure that national dialogues on mine action are maintained over time and can address both technical and operational issues, as well as government-level policies. They can make a tangible difference to standards, funding and political will—and thus to the prospect of reaching the 2025 goal.



A landmine victim in the Democratic Republic of the Congo who lost her leg near a river in 1997. UNMAS/Gwenn Dubourthoumieu

Victim assistance: There is a face and name behind each casualty

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Introduction: Global humanitarian landmine crisis

The Anti-Personnel Mine Ban Convention marks the world's first legal obligation to provide victim assistance for the survivor population of that particular weapon system.¹¹⁷ In 1998, the International Committee of the Red Cross estimated that landmines were killing or injuring more than 24,000 people per year¹¹⁸ and the United States Department of State labelled landmines “one of the most toxic and widespread pollution[s] facing mankind”,¹¹⁹ with victims who are mostly civilian.¹²⁰

Fortunately, we, the authors of this chapter, survived—barely—from the landmine explosions that took both our legs. We were not soldiers. One of us (Firoz) was a 13-year-old school student in Afghanistan, while the other (Ken) was in Somalia conducting humanitarian relief operations for recently returned refugees.

We each held our breath until receiving proper medical care and ultimately amputations, many miles away and hours later. We were able to survive and thrive after these accidents thanks to the efforts of many, as well as inspiration garnered from fellow landmine survivors from around the world. We have been privileged to work with these survivors over the past two decades of advocating for this Convention.

Landmines were legal and victim assistance was unheard of before the Convention, which includes a clause to provide humanitarian relief for the hundreds of thousands of children, women and men who have been maimed by landmines. This language was an unprecedented achievement that came about through the efforts of many people. Most importantly, landmine survivors themselves played a central role in ensuring that the people most wounded by these inhumane devices would not be forgotten in the first treaty to ban their use.

Incredibly, we are now celebrating the complete prohibition of landmines by a majority of the world's countries.

Landmine victim statistics were, and are, well known to many people, but after a while, the numbers become mind-numbing. It is easy to forget that there is a face and name behind each landmine casualty. Also, less well understood is the personal horror that each survivor experiences in the moments after the explosion. Landmines tear off limbs and shoot shrapnel and dirt into the body. Even one's own bones become projectiles. If the eyes are not blinded during the explosion, a survivor can see his own body torn, mangled and bleeding without nearby help. The unfortunate victim usually dies alone.

The survivor voices—RISE! Putting a human face on the suffering

The voices of landmine survivors were first heard at the international diplomatic level in Vienna at the first Review Conference of the Convention on Certain Conventional Weapons (CCW) landmines protocol, held 24 years ago in

1995. In an unusual development at the time, survivors and representatives of non-governmental organizations (NGOs) working directly to clear and destroy landmines were invited to speak to the assembly of delegates. Many of the NGOs were members of the International Campaign to Ban Landmines (ICBL), led by its coordinator Jody Williams. It was not just another diplomatic discussion with government officials stating the same stale points of view. Instead, people who were experiencing the tragedy first hand were helping to set the tone of the discussion. During their speeches, persons injured by landmines from Afghanistan, Cambodia and the United States provided powerful evidence for urging the ban on these weapons.

By late 1995, very few people were pushing for victim assistance. At the time, the pursuit of a global ban was the central, unrelenting focus of ICBL. On the surface, at least, it seemed logical that wealthier States would resist the inclusion of landmine victim assistance in the Convention, as many of them are not directly affected by landmines. Any mine victim assistance provided by these States would necessarily go to affected States. And poorer countries, those affected by landmines, have limited means and infrastructure to support the growing number of survivors. Victim assistance seemed a no-win situation for garnering potential support.

The final CCW landmines protocol review session convened with 51 participating Governments at the end of April 1996 in Geneva. With her opening plenary address, Jody set the urgent tone for the meeting by stating, “[m]ore people have been killed or maimed by landmines since the end of the first session of the Review Conference in Vienna. How many more will it take?”¹²¹ If they had not already done so, government leaders immediately realized that Williams was more formidable than other activists they had tried to circumvent.

After Jody’s speech, Ken and Jerry White, an American landmine survivor who lost his leg as a college student in Israel,

launched the Landmine Survivors Network to give a voice to the voiceless. The first organization for and by landmine survivors, the Network advocated for victim assistance to be included in the negotiations when—at the time—there was little support from Governments for and attention to this issue.

In the main conference hallway at the Palais des Nations, Cambodian landmine survivor, Tun Channareth and Ken co-introduced the “Wall of Remembrance”, a photographic collection of Cambodian mine victims. The victims were injured between the closing of the Vienna CCW conference in October 1995 and the opening of the Geneva conference in April 1996. During the brief period, there were more than 230 mine accidents in the province of fewer than 250,000 Cambodians. Behind the Wall of Remembrance display, ICBL had set up an electronic clock that clicked every 22 minutes to signal another mine victim injured somewhere in the world. Like the Wall of Remembrance display, the scoreboard only counted victims since the end of the CCW landmine conference in Vienna. By the end of the Geneva Conference, the haunting electronic clock had registered nearly 15,000 new victims.

Codifying victim assistance into international law: Ottawa 1996 strategy landmine conference

Survivors found an ally in Canada’s Department of Foreign Affairs and its foreign minister Lloyd Axworthy, who understood through Canada’s peacekeeping tradition that landmines posed a threat to its soldiers.

Among the campaigners attending the Ottawa Conference was Brian Isfeld, the father of one of Canada’s finest military sons, Mark Isfeld. Brian said that before his son was killed by a landmine in 1994 in Croatia, he wanted the weapons banned because he had seen them kill children.

By the end of the Conference, victim assistance received rhetorical support as something that should be included in the Convention.

At this point, the world's "People's Princess"—Diana, Princess of Wales—brought the plight of landmine victims to the world's television audience and diplomatic community. In June 1997, at the Royal Geographical Institute in London, she called for a global ban on these horrible weapons, saying that through landmines, "the evil that men do live long after them". In August, she travelled to Bosnia with Jerry and Ken, visiting a diversity of Bosnian survivors—Croatian Catholic, Bosnian Muslim and Serbian Orthodox Christian. They also visited survivors who were former military personnel and civilians, including women and children. Princess Diana brought hope and inspiration to the living rooms of survivors in Bosnia and the global landmine crisis to the living rooms of the world.

During the negotiations in Oslo that September, victim assistance was included in the Convention's draft for the first time. The Oslo negotiations came on the heels of a week of emotional outpouring for the death of Princess Diana, who was killed in a car wreck in Paris on August 31, just a few days before the negotiations were scheduled to begin. Her funeral in London the following week was beamed by the media around the world, while more than seven million people lined the downtown London funeral procession route. The international shock and attention generated by her death galvanized an international public and media to focus on the landmine issue. One leading international newspaper ran an editorial in the first week of the Oslo Conference that called upon States for "the eradication of land mines and help for their victims" as the best way to remember her life.¹²²

In the end, victim assistance made it into the Anti-Personnel Mine Ban Convention due to the efforts of many people, but considerable credit must be given to the landmine survivors themselves for achieving the seemingly impossible: for the first time in the world's history, a humanitarian disarmament convention included victim assistance provisions and banned the weapon that had indiscriminately caused impairments to thousands of people every month in the 1990s.

Evolution in understanding victim assistance

The Convention's Article 6 (3) requires that "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." Twenty years after its adoption, this provision is still considered a breakthrough for creating a precedent in international humanitarian law and giving hope for victims around the world.

Victim assistance provisions were new to international humanitarian law obligations. It took years for the humanitarian disarmament community to create a better understanding of what victim assistance is and how it can best be achieved. During the first five years after the entry into force of the Convention, States parties struggled to understand who exactly victims are and what victim assistance would include, primarily due both to the natural complexities of victim assistance and to the absence of data on mine victims and poverty in affected States. At the first Review Conference of the Convention in 2004, States parties achieved the following three substantial developments,¹²³ which continue to shape victim assistance activities today:

1. The introduction of a clear definition of who are considered victims under the Convention. States parties agreed that victims include "those who either individually or collectively have suffered physical or psychological injury, economic loss or substantial impairment of their fundamental rights through acts or omissions related to mine utilization." This clarification drew attention to the full breadth of the suffering and casualties caused by mines.
2. A recognition that victim assistance is a human right and that efforts in this regard should be guided by this and other principles such as non-discrimination. States embraced the notion of inclusive development and agreed that "victim assistance does not require the development of new fields

or disciplines but rather calls for ensuring that existing health care and social service systems, rehabilitation program and legislative and policy frameworks are adequate to meet the needs of all citizens—including landmine victims.”

3. The victim assistance provision was unpacked into six elements, as follows: *understanding the extent of the challenge faced; emergency and continuing medical care; physical rehabilitation, including physiotherapy, prosthetics and assistive devices; psychological support and social reintegration; economic reintegration; and, the establishment, enforcement and implementation of relevant laws and public policies.*

These elements (also known as the six pillars) still guide victim assistance policies and programmes.

In 2006, a “paradigm shift” came with the adoption of the Convention on the Rights of Persons with Disabilities, which codified a human rights–based approach into human rights law and changed the perception of looking at persons with disabilities as subjects of charity and treatment, towards an understanding that persons with disabilities are individuals entitled to human rights. This shift strengthened the application of the human rights principle in victim assistance. The Convention on the Rights of Persons with Disabilities is increasingly enforced to promote a more “systematic, sustainable, gender-sensitive and human rights-based approach”,¹²⁴ including by the 28 of the 30 States parties with significant numbers of mine survivors that have joined it. It has provided an appropriate framework for the integration of victim assistance into the most relevant national policies and programmes, thus sustaining assistance to mine survivors.

Realizing the rights of landmine survivors and meeting their needs

While any States parties “in a position to do so” has a responsibility to support mine victims—regardless of the number of landmine victims since 2004—attention has been focused on a group of States parties reporting “hundreds, thousands or tens-of-thousands of landmine survivors” living in their territories. This group of States accepted having “the greatest responsibility to act, but also the greatest needs and expectations for assistance”.¹²⁵ As at September 2019, a total of 30 States parties to the Anti-Personnel Mine Ban Convention have declared having responsibility for a significant number of mine survivors.¹²⁶

National victim assistance implementation can be described at two levels: (a) at the level of processes, namely efforts such as planning, assessing needs, policy development, coordination mechanisms, data collection, capacity-building, resource mobilization, reporting and monitoring; and (b) at the level of delivering tangible services to mine survivors, affected families and communities.

Most of the 30 States have created certain mechanisms to plan and coordinate victim assistance efforts among national actors such as ministries of health, social welfare, mine action authorities, parliament committees, organizations of persons with disabilities/networks of landmine survivors, NGOs, United Nations agencies, the International Committee of the Red Cross and others. They have acted in developing or aligning relevant plans and policies. Whereas, in a handful of these countries, such efforts were triggered through victim assistance implementation, gradually in nearly all cases, coordination of victim assistance activities is undertaken within the broader frameworks of disability rights, health, social protection and development. Challenges such as concentration in the capitals or big cities, limited resources and irregularities in coordination meetings are often reported.



Prosthetics at a rehabilitation centre in Colombia, 2013. © AP Mine Ban Convention ISU

Progress has been reported in assessing the needs of mine survivors, data collection, reporting and, to some extent, monitoring by most of the 30 States over the past many years. However, except for recording casualty data—work that has been frequently conducted by national mine action centres, often as part of efforts to assess needs—reporting and monitoring activities have been carried out on an ad hoc and project basis. Despite these efforts, shortages of comprehensive, accurate and up-to-date data in some places and its absence in others have been among the common challenges, significantly affecting planning, implementation and tracking of progress.

Tangible achievements have been reported in the provision of physical rehabilitation (prosthesis, orthosis, wheelchairs, crutches and other mobility devices). Rehabilitation support is available in all 30 States, although the vast majority have yet to meet rehabilitation needs of all mine survivors, especially in remote and rural areas. The International Committee of the Red Cross and other international, regional and national rehabilitation actors continue to play vital roles in this regard. In some places, without the support of these actors, there is no possibility of rehabilitation assistance at all.

It is worth noting that, due to the nature of the injuries caused by mines, survivors acquire severe physical impairments, such as from the amputation of limbs. Therefore, the provision of prosthesis and orthosis to mine survivors remains one of the most vital parts of assistance in affected countries and, due to ongoing casualties and amputations, the need for such assistance has been on the rise.

Survivors' access to health care, psychological and peer counselling and socioeconomic support continues to encounter various challenges due to physical barriers, behavioural obstacles, expensive service fees, absence of specialized services, being left out of budget priorities and living in some of the poorest places in the world. The ultimate objective of victim assistance is the full inclusion of landmine survivors in

society, and all of the above-mentioned activities are essential to achieve this goal. Unless they are all appropriately carried out, the objective cannot be achieved.

International cooperation and assistance have been instrumental in victim assistance. In the lead-up to the 2019 Oslo Review Conference, the European Union sponsored a series of national dialogues on victim assistance and a global conference in Jordan to “Foster Partnerships” in meeting the needs of mine victims.

Continued and progressive national and international dialogues on victim assistance have been proven to be useful, as they create an opportunity for national and international experts, practitioners, policymakers and other actors to address challenges facing victim assistance. Gatherings such as the “Fostering Partnerships Conference”,¹²⁷ which brought together over 150 experts and policy makers from around the world in Jordan prior to the Fourth Review Conference of the Convention, are the type of timely dialogues that help the international community to collectively seek better ways to empower mine victims.

The work is not finished

The Convention has made a difference, but the work must continue to achieve the “enduring obligations to mine victims”.¹²⁸ Victim assistance cannot be realized without strong partnerships among States and other actors at global and national levels. States should take advantage of lessons learned over the past two decades, the wealth of guides and tools developed. States should count on the expertise and commitment of landmine survivors, such as the authors of this chapter, and thousands of others actively working to empower mine survivors.

Global mine casualties have drastically decreased since the 1990s, thanks to the relentless work of deminers, donors, risk educators and others, but people continue to fall victim to

landmines and the need for more sustainable efforts continue to grow.

We must remember that survivor assistance is all about people. It is about the children who cannot return to school, it is about the shepherds and farmers who struggle to earn an income, it is about the families that are left without a breadwinner, it is about the girls who are haunted by social stigmas because of their impairments, and it is about the veterans who fight to overcome trauma. It is about innocent people living in some of the poorest countries in the world. Victim assistance does not need a new discipline, it is just a basic human right.

Unlike other provisions of the Convention, victim assistance is a process that must proceed with a clear, long-term and sustainable strategy. States should continue to include the needs and rights of mine victims in all relevant national policies and programmes. New battles are on the horizon that will sadly add to the numbers of mine victims. Support for survivor assistance must not be forgotten if the global community wishes to provide a comprehensive response to the global landmine crisis.



A landmine survivor at the Mindol Metta Karuna Reflection Centre in Cambodia, 2011. © AP Mine Ban Convention ISU



Emergency medical training in the Democratic Republic of the Congo in March 2011. UNMAS/Gwenn Dubourthoumieu



Mine risk education at Leich Primary School, Bentiu Protection of Civilian site, South Sudan, 2017. UNMAS/Martine Peret

Mine risk education: From infancy to maturity?

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Introduction

This chapter explores the birth and evolution of mine risk education as a new discipline, how it is captured in the Anti-Personnel Mine Ban Convention and how it evolved and matured over the past 20 years.

The chapter discussion starts with a careful reading of the mine risk education component in the Convention and analyses how the text of the Convention—to this date—oriented, or misoriented, the sector on understanding mine risk education, including its role and mission.

A recounting of the mine awareness “boom” typical of the early years (1997–2002) and the way the sector was muddling through is then presented, followed by how the quest for rationalization shaped mine risk education policy in the following decade.

Difficulties in applying rational decision-making in mine risk education, the relationship with evidence and the rise in the use of public health approaches through an increasing interplay

with the “research world”, as well as how the sector performed in terms of knowledge management, are also discussed.

Finally, the chapter covers the post-2012 period, when the sector became immersed in the results-based management (RBM) world and mine risk education increasingly became the key—or the only active—pillar in many humanitarian fronts. It concludes that in an alarming context characterized by continuous increase of victim numbers, mine risk education in 2019 found its rightful place in the mine action architecture, even though distortions about its role still persist and the way ahead is still long, as the mine risk education logic model is yet neither fully built nor understood by everyone.

From awareness to education

When the Convention was adopted on 18 September 1997, the term “mine risk education” did not exist yet. The Convention—and the sector—used the language “mine awareness”. Even though by 1992 some organizations had already developed the concept of “education of populations in the prevention of mine accidents”,¹²⁹ it is a fact that the nascent mine risk education sector was dominated by *awareness* approaches primarily focused on knowledge change (i.e., people should be aware of the mine problem and of the desired behaviour change) rather than by *education* approaches aiming at behaviour change (i.e., people should practice the desired behaviour and work to sustain it).¹³⁰

The terminology used—awareness versus education—was actually not a major issue for the sector, but the way “mine awareness” is introduced in the Convention in comparison to other mine action components created some misinterpretations of what became—and is—the primary normative framework for mine action (i.e., the Anti-Personnel Mine Ban Convention).

Mine risk education in 1997 is perceived as a “secondary branch” of mine action but with an important and distorted accountability

In the text of the Convention, “mine awareness” is prominent in terms of accountability but has little presence in terms of space. This original paradox had a determining role in the way mine awareness—that is, mine risk education—was perceived, implemented and funded during the past 20 years, and to this day.

On one hand, mine risk education in the Convention is introduced as a fundamental component of mine action as “activities to reduce the incidence¹³¹ of mine-related injuries or deaths”.¹³² The text and accountability are without ambiguities: the role of mine risk education is to save lives and limbs. This point is directly linked to the preamble, which says States parties are determined “to put an end to the suffering and casualties caused by anti-personnel mines, that kill or maim hundreds of people every week”.

On the other hand, this vast and mighty mission of mine risk education is not translated into a dedicated article. Mine risk education in the Convention is limited to one sentence (Article 6 (7) (d)) and one brief mention in Article 6 (3). In comparison, Articles 4 and 5 are specifically developed to frame in detail the obligations of States parties for stockpile destruction and clearance. Those articles are written with a clear eradication objective as the Convention expects that each State “undertakes to destroy or ensure the destruction of all anti-personnel mines in mined areas”. In 1997, for the Convention drafters, the priority was to ban and to eradicate anti-personnel landmines, while mine risk education and victim assistance were still seen as secondary branches, still growing out from the mine action trunk. At the Nobel Prize award ceremony in 1997, one of the key contributors to the Convention declared, “There are tens of millions of landmines around our world ... What matters is that we eradicate them.”¹³³

Whereas mine risk education in the Convention is seldom mentioned but presented as outcome- or even impact-oriented (i.e., reducing incidence), stockpile destruction and clearance form the core of the Convention but tend to be presented as output-oriented (i.e., destroying landmines without explicit accountability to reduce incidence).¹³⁴

In the sector, such a discrepancy should not happen; mine risk education clearly does not have a monopoly on the reduction of incidence. The destruction of landmines also contributes to reducing incidence. Actually, all mine action components—mine risk education, clearance, stockpile destruction, advocacy, and even victim assistance as a secondary or tertiary prevention measure—are pillars of equal importance and should all serve, and be accountable to, the same humanitarian goal: the reduction of incidence.¹³⁵

The way mine risk education is presented in the Convention vis-à-vis other components contributed to these discrepancies or misinterpretations that are summarized in table 1 (left column):

Table 1. Mine risk education in the Anti-Personnel Mine Ban Convention: Various interpretations

Common misinterpretation	Adjusted and desired interpretation
The expected outcome for mine risk education is to reduce incidence.	The expected outcome for mine risk education is positive behaviour change (people practice the desired behaviour and work to sustain it). This immediate or intermediate outcome may contribute to reducing incidence (i.e., a desired humanitarian outcome or impact for all mine action pillars).

Common misinterpretation	Adjusted and desired interpretation
<p>The mine risk education pillar should measure and demonstrate its ability to reduce incidence. Other pillars are not expected to demonstrate this.</p>	<p>All pillars together should at least attempt to measure and demonstrate ability to contribute to the “reduction of incidence”.</p>
<p>Prioritization of mine risk education is guided by incidence patterns while prioritization of clearance is guided by contamination patterns.</p>	<p>In a mine-affected region, if reversing casualty trends is the primary goal for mine action, the same prioritization mechanisms should be used for mine risk education and clearance, with both primarily based on incidence patterns.</p>
<p>By default, we should assume there is a strong cause-and-effect link between mine risk education and the reduction of casualties.</p>	<p>By default, we should assume there is no strong cause-and-effect link between mine risk education and the reduction of casualties.</p>
<p>If reduction of incidence is observed, it means mine risk education works.</p>	<p>The reduction of incidence does not prove mine risk education effectiveness. If reduction of incidence is observed, it is the result of a number of factors that may include some or a combination of effective mine action interventions (clearance, mine risk education, victim assistance, stockpile destruction, advocacy) and non-mine action interventions or events (e.g., coping mechanisms, less displacement in contaminated areas, more economic alternatives provided to communities dependent on contaminated areas for livelihood, and market price fluctuations that may, for example, decrease the incentive for people to collect scrap metal and potentially encounter unexploded ordnance).</p>

Common misinterpretation	Adjusted and desired interpretation
If an increase of incidence is observed, it means mine risk education does not work or was not provided.	The increase of incidence does not prove mine risk education ineffectiveness or lack of it. If an increase of incidence is observed, it is the result of a number of factors that may include ineffective—or an absence of—some or a combination of mine action interventions and non-mine action interventions or events.
“The reduction of incidence is not our business. For information on this theme, go to the mine risk education team.”	The reduction of incidence is a humanitarian imperative and everyone’s responsibility in mine action.

As described above, mine risk education was not yet a clear and mature concept in 1997. The new “pillar” would have to be built progressively.

1997-2002: The mine awareness boom and progressive construction of mine risk education

In the late 1990s, mine risk education was neither a discipline nor a pillar, and guidelines and standards were just emerging. Organizations kept reinventing the wheel from one context to another and often repeated the same mistakes, and worse, the same deviations or excesses. In 1999, in Kosovo, in a context where more than 20 organizations were involved in mine risk education, some schools received visits from three different mine awareness organizations in the same week, with messages that were not properly tested and often contradictory.¹³⁶

At the same time, powerful private and public actors conceptualized and initiated a global campaign that planned to reach affected countries on four continents with comic books featuring renowned Western superheroes who would rescue children from minefields¹³⁷—a campaign overturned after a

series of independent tests demonstrated the limitations and inherent risks of such an approach.¹³⁸

Some stakeholders, including donors, understood that mine awareness was a powerful tool for visibility and, unfortunately, this was often to the detriment of quality. Competition for visibility, amateurism and rapid printing of large quantities of awareness material without field testing of messages and materials were common practices, sometimes with disastrous results. In Mozambique, basic mine risk education leaflets were used by communities as cigarette paper.¹³⁹ In other contexts, some printed materials had logos that took more space than the actual prevention messages.

However, while the new sector was extending fast, stakeholders experimented with new and promising behaviour change approaches. Progressively, a myriad of national and international organizations started to capitalize on their experiences, producing and sharing good practices and guidebooks.¹⁴⁰

The quest to rationalize mine risk education

The need for mine risk education starts from the premise that the contamination of landmines and explosive remnants of war (ERW) in a conflict-affected area cannot be cleared instantaneously.¹⁴¹ Since people are forced to live in a dangerous environment for months (less often), for years or decades (more often), people have to learn how to manage this risk.

Like in any awareness-raising or injury/disease prevention approach (e.g., road safety education and AIDS prevention), mine risk education may mobilize an incredible diversity of strategies, channels and materials.

Such diversity is both a strength and a trap. Diversity of choice means flexibility, but, if we embrace the rationalist approach to policy making by which possible solutions are explored and weighed until the best one is selected, rationally

choosing the best mine risk education approach looks like an impossible challenge. Shall a campaign for such education favour radio and TV, or lessons in schools, or public distribution of brochures, or training of religious leaders? There are very few appropriate alternatives to conduct an immunization campaign, but there may be dozens or hundreds of different strategies for mine risk education that would be—at first sight—valid. The more options are available, the more complicated the decision-making process becomes. The multiplicity of possible strategies and complexity of pathways to deliver a given service is not inherent to mine risk education; it is inherent to the social sector.¹⁴²

Relationship between mine risk education and evidence: Rare but decisive contributions from the academic sector

Research is key to clarifying the “landscape” of a given policy¹⁴³ and mine risk education is no exception. Despite many years of experience, the sector had not produced consistent research literature. Exceptions include, for example, an attempt by Andersson et al.¹⁴⁴ to use scientific evidence to measure the effectiveness of mine risk education in Angola and Afghanistan,¹⁴⁵ and a retrospective analysis by Durham et al.¹⁴⁶ of the limitations of traditional mine risk education activities in Lao People’s Democratic Republic. The findings of the first study shook up many prejudices about the perceived usefulness of mine risk education. Quasi-experimental design was used with people not exposed to such education as the “control groups”, and the paper raised essential questions that most mine risk education practitioners had not considered, especially by raising evidence that such education can have negative consequences (increasing risk instead of decreasing it), something almost unthinkable until the study was published.

In the second paper, authors promoted and used the “ecological model of health and safety promotion”,¹⁴⁷ a useful framework to distinguish the factors contributing to a specific

at-risk behaviour. They concluded that traditional mine risk education cannot modify behaviour of people and thus is incapable to fulfil its goal because economic pressures to collect and sell scrap metal from ERW are so high that education alone cannot be the right response. The study highlighted the need to integrate a socioeconomic analysis within needs assessments and generated globally a new interest in alternative economic risk reduction activities¹⁴⁸ that should complement mine risk education, such as those reflected in the policy of the International Committee of the Red Cross.¹⁴⁹

Increasing influence of the health sector

The publishing of academic research was only the tip of the iceberg of a vast movement in the mine risk education community to “professionalize” and rationalize the discipline. In 2000, the first Knowledge, Attitude, Practice surveys were initiated—using cluster sampling techniques derived from the World Health Organization methodologies¹⁵⁰—and since then, such surveys have been implemented in dozens of countries.¹⁵¹ The impetus for more evidence-based approaches came mainly from the health sector: quasi-experimental design; ecological models for health and safety promotion; and cluster sampling methodologies directly imported from the World Health Organization. But one of the most important “rationalist” influence efforts started in 2003 through an ambitious 10-year partnership between the United States Centers for Disease Control and Prevention and the United Nations Children’s Fund. The two organizations developed field epidemiology courses for 121 mine risk education practitioners from the Americas, Europe, Asia and Africa.¹⁵² This programme revolutionized such education in the sense that practitioners and managers were trained to utilize different techniques of qualitative and quantitative surveys, sampling methodologies, evaluation tools and injury surveillance systems. Many of these techniques were completely new to the mine risk education audience¹⁵³.

The paradigm shift for the mine risk education community was that, starting from 2003, for the first time, specialists of such education began to perceive and analyse their discipline not as a purely educational issue (the social science perspective) but, above all, as a public health issue (the natural science perspective). While mine risk education was previously seen as a “machine” for knowledge and behaviour change, it became a strategy to address the epidemic: more people are killed in certain contaminated areas than others, thus the communities living in or moving to those areas need to be identified and prioritized through the ongoing mapping of mines and ERW incidents. With this new logic, the understanding of the magnitude, nature and dynamics of the epidemic (where do the recent incidents occur, who are the victims, why, when, how) forms the evidence base of strategies to address the epidemic. This public health approach paradigm shift also partly influenced other pillars such as clearance,¹⁵⁴ an activity that can be seen as a radical way to *get rid of* the agent of contamination responsible for the epidemic (mines/ERW), while mine risk education is the way to teach how to *manage* it (i.e., how to recognize symptoms, how to avoid it and how to report information about it).

The evidence-based movement in mine risk education is a process not yet accomplished—not all practitioners are familiar with the existing range of research tools—and in 2018, surveillance systems themselves were not yet highlighted in the main normative frameworks for mine action.¹⁵⁵

Overall, the sector evolved relatively well in the first 20 years in terms of evidence-building, but it was also confronted with a recurrent issue: the outcome of mine risk education research too often did not grow, or ended in stalemate, simply because the knowledge gained was far too “static”.

Static knowledge management

Mine risk education knowledge can be divided into two categories, either *tacit* (i.e., not written and scattered among individual practitioners) or *explicit* (i.e., written in norms and guidelines). With the release of the solid International Mine Action Standards best-practice guidebooks¹⁵⁶ on mine risk education in 2005 (768 pages in total), explicit mine risk education knowledge reached an incredible peak. However, this knowledge was not converted, not conveyed. Internalization of knowledge or “institutionalization”¹⁵⁷ was often not happening. In particular, training as a vehicle for learning was not standardized and tended to be an eternal prototype, constantly reshaped and largely underexploited.¹⁵⁸

Knowledge in mine risk education was too static, not dynamic, and not sufficiently socially constructed. As a result, the industry was stuck in a single-loop learning cycle,¹⁵⁹ and performance was weak because the “wheel” continued to be reinvented.

One possible contributing factor to—and consequence of—this lack of dynamic circulation of knowledge is the impressive rotation of mine risk education staff and consultants over the past 20 years. This hypothesis is highly related to the “risk of deterioration”:¹⁶⁰ when knowledge is too dependent on individuals, excessive turnover can negatively impact performance.

To rationalize mine risk education, another fundamental element was also missing even around the time of the Third Review Conference (2014): the adoption of RBM approaches.

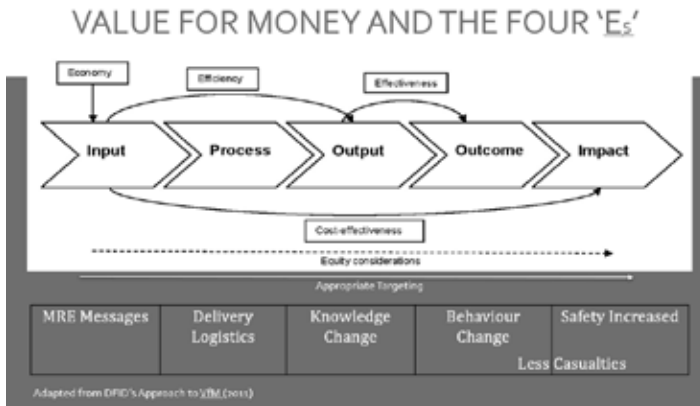
Rationalizing mine risk education through results-based management

In 2012, the United Kingdom Department for International Development commissioned a global meta-evaluation that concluded that mine action was essentially output and process-

oriented, that most prioritization mechanisms were based on the rule of thumb,¹⁶¹ and that the monitoring and evaluation culture was poor with absence of use of theories of change and results frameworks.¹⁶² All these issues were obviously relevant to mine risk education and it appeared clearly that, 15 years after the Convention was signed, simple concepts such as outputs, outcomes and impact were far from clear. In 2016, the United Nations Children’s Fund, with the support of the Swiss Government and other partners, developed a global annual RBM/integrated mine action course¹⁶³ for the sector to break down silos between pillars, and between organizations, and ensure that stakeholders have the capacity to develop a collaborative results framework that is outcome-driven.¹⁶⁴ Strengthening mine risk education also meant strengthening its integration with other pillars as the best way to effectively contribute towards reducing incidence. Figure 1 illustrates the results chain for mine risk education in line with RBM and “Value for Money” principles.

In the same vein, a newly certified 10-day RBM/mine risk education course was piloted in 2017 and proposed every year to 16 organizations¹⁶⁵ and more than 20 mine-affected countries to ensure that the sector is equipped with both forms of mine risk education knowledge—*tacit* as knowledge circulates among practitioners, and *explicit* as norms and guidelines are promoted. When combined with a solid RBM know-how, this substantially reinforces the mine risk education pillar.

Figure 1. The mine risk education results chain



Later developments

From 2012 to 2019, the mine risk education sector continued to gain maturity despite chronic underfunding. Mine risk education was no longer considered an optional pillar, and it became increasingly integrated with other mine action activities.¹⁶⁶ Organizations that once were not engaged or did not prioritize such education became proponents.¹⁶⁷ Mine risk education was increasingly seen as an entry point able to open the humanitarian space for mine action in countries affected by ongoing conflict and it was thus often seen as the only mine/ERW prevention measure that was implementable. The global platform of the mine risk education community of practice,¹⁶⁸ almost dormant after 2005, experienced a revival in the past several years. The year 2019 was a watershed, particularly with the impetus of Norway, as mine risk education was prioritized at the global level to a point not seen in 20 years, including through the establishment of the Explosive Ordnance Risk Education Advisory Group¹⁶⁹ in May 2019. This Advisory Group, a new coalition of at least 16 organizations, will raise the

profile and strengthen mine risk education, including through the development and implementation of the Oslo Action Plan.

Conclusion

Mine risk education entered into the Convention through a narrow door, with a mandate paradoxically over-magnified: the pressing need to save lives and limbs. Reducing incidence was seen as *the* specific task and product of such education. In a mine action context, it is not. All combined mine action interventions should lead to the reduction of incidence. From an epidemiology viewpoint, mine action is a set of public health interventions designed to contain, curb or halt the epidemic of mines/ERW explosions.

Over the past 20 years, the original 1997 misrepresentation of mine risk education exacerbated a number of existential crises and misunderstandings. To name a few: is mine risk education an intervention that has value, considering it is unable to prove that lives are saved? Is mine risk education the sole pillar accountable for addressing casualty rates? Can mine risk education possibly lead to the reduction of incidence? Despite doubts, lack of funding and years of knowledge exchange inertia, mine risk education grew up through a long incremental rationalization process that is well advanced in 2019, although not yet accomplished, as theories of change and norms for metrics and risk education for improvised explosive devices remain to be fully articulated.

However, the discipline has matured sufficiently to “change the rules of the game”, redefining its role and, by extension, some functions of other pillars. With the global rise of casualties, all eyes turn to the mine risk education community. This is, in one way, positive for elevating a pillar often set aside by decision makers since 1997 and it is meaningful in contexts where mine risk education is the sole pillar activated. In another way, however, there remains a need to correct this perspective,

as reversing casualty trends is a responsibility for the entire sector.

Effective and enlightened mine risk education will contribute to combating the epidemic, but this should be a collective effort that embraces as many mine action pillars as possible.



A landmine. Afghanistan was covered with metal scraps and live munitions from 20 years of fighting, 2001. UN Photo/Luke Powell

The Anti-Personnel Mine Ban Convention: The importance of transparency and exchange of information and opportunities under the Convention

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Introduction

The Anti-Personnel Mine Ban Convention has been hailed as one of the most successful humanitarian disarmament conventions. Apart from the personal efforts of a number of people representing Governments, international organizations and non-governmental organizations that have, both figuratively and literally, given their blood, sweat and tears for the Convention's implementation, its success can be attributed to its established culture, which is underpinned by unprecedented transparency and exchange of information. The drafters of the Convention and those tasked with its implementation over the past 20 years should be credited with establishing an implementation structure that has nurtured these principles and ensured a spirit of community in achieving the determination of the States parties in "putting an end to the suffering and casualties caused by anti-personnel mines".

The author was not lucky enough to have been party to the negotiations of the treaty. Nonetheless, those involved have time and time again shared stories of how the energy surrounding the negotiations hinted that what was unfolding was very different than anything ever before seen in treaty negotiations. The result was unprecedented: a Convention prohibiting the

use, stockpiling, production and transfer, as well as obligating the destruction of, a weapon that, at the time, sat ready to be deployed in the arsenals of the great majority of States.

The final text of the Convention not only prohibits the actions highlighted in the Convention's title, but also obligates States parties to carry out a number of related time-bound activities. These include identifying and clearing mined areas, ensuring the exclusion of civilians from affected areas until anti-personnel mines in these areas are destroyed and destroying all stockpiled anti-personnel mines. States parties are also required to provide cooperation and assistance—including for the care and rehabilitation as well as the social and economic integration of victims—and to take appropriate legal, administrative and other measures to prevent and suppress any activity prohibited under the Convention, among other provisions. Those negotiating and drafting the text of the Convention also had the foresight to ensure that the Convention contained several formal opportunities for States parties to demonstrate transparency and exchange of information on their implementation efforts. In addition to these opportunities, the States parties have established implementation machinery that further supports transparency and the exchange of information, safeguarding the spirit of cooperation that is a central characteristic of this instrument.

Since the moment that the social and economic impact of anti-personnel mines was brought to the attention of the world, and over the course of the 20 years of implementation, all stakeholders have reiterated that the implementation of the Convention—shot-putting anti-personnel mines into the doldrums of history—and support to mine victims are urgent joint commitments. The desire of all stakeholders to see the aims of the Convention achieved makes the completion of a State party's stockpile destruction or clearance programme, or any other success and achievement by one State party, a win for all. Such success provides impetus to our continued efforts to see every State party cross the finish line and achieve key

milestones. Measuring and witnessing progress is therefore of interest to all stakeholders. Not only are transparency and exchange of information vital for monitoring implementation of the provisions; they also demonstrate the Convention's important contributions as a confidence- and security-building measure between States parties, in particular those that may have at one time been involved in armed conflict leaving behind a legacy of contamination. Additionally, they serve as an important catalyst for the flow of cooperation and assistance.

Ensuring information exchange

Central to transparency and the exchange of information are the Article 7 obligations. Transparency measures under the Convention require a State party to 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" detailed information on the status of implementation of the Convention, providing a baseline from which progress can be continuously measured. States are then required to submit updated information on the status of implementation on an annual basis, no later than 30 April. Since the entry into force of the Convention, these initial and subsequent reports have been made public for all stakeholders to view and use, making them an important implementation measuring tool. This information is available on the website of the United Nations Office for Disarmament Affairs' Geneva Branch and posted in each State party's page on the Convention's website. All but one State party have submitted an initial transparency report.

Since the Convention's entry into force, a significant amount of effort has been placed on ensuring that States parties report on an annual basis. The States parties also created a simplified tool for States that do not have progress to report to provide a simple notification in this regard. Reporting rates for States parties implementing key obligations under the Convention, such as mine clearance (90 per cent), stockpile

destruction (100 per cent) and victim assistance (76 per cent), have remained relatively high. However, the overall reporting rate by States parties (47 per cent) and the reporting rate of States parties implementing other obligations, such as those that have not reported on national implementation measures (19 per cent), remain low.¹⁷⁰ Continuing to ensure progress in raising the level of reporting among States parties remains an important goal. However, emphasis has not only been placed on the rate of reporting but also on the quality of reporting, both through the development of templates and, most recently, the development of a Guide to Reporting. States parties have been encouraged to employ this Guide in drafting their Article 7 reports to help ensure a high level of clarity on the status of implementation of the Convention's provisions, including cooperation and assistance efforts.

In the 2014 Maputo Action Plan, the States parties emphasized that “transparency and the open exchange of information, through both formal mechanisms under the Convention and other informal means, are essential to achieving the Convention's aims. The States parties also recognize that dialogue informed by accurate and high-quality information can support cooperation and assistance and accelerate the Convention's implementation”. Therefore, in addition to the formal meetings mandated to review the operation and status of this Convention, the States parties have established an informal work programme with intersessional meetings, providing a window to informally discuss progress in implementation and important matters affecting implementation. These formal and informal gatherings have supported continuous momentum in implementation, with States parties and stakeholders taking advantage of these opportunities to exchange information and share ideas on how to strengthen or improve on joint implementation efforts.

The wealth of information that flows from States parties concerning their implementation efforts complements formal reporting requirements under Article 7, often providing

additional insight on implementation challenges. This additional information is also made public on the Convention's website.

How does the Convention machinery ensure transparency and the exchange of information?

Monitoring implementation of the various aspects of the Convention falls to the President of a Convention meeting and its four thematic committees. In accordance with the mandate given to them by the third Review Conference, they have placed increasing emphasis on interaction with information provided by States parties. As previously mentioned, formal and informal meetings provide the implementation machinery with enhanced opportunities to obtain new or enriched information, in particular through bilateral meetings with experts on national mine clearance, victim assistance and other areas. This interaction between the Convention's implementation machinery and States parties has been welcomed by the Parties, as it has increased the exchange and flow of information, provided increased clarity on the status of implementation and fostered cooperation to achieve implementation as soon as possible. This interaction has also supported the Committee in implementing their mandates of developing preliminary observations on implementation at informal meetings and final conclusions at formal meetings.

Cooperation and assistance

The Committee on the Enhancement of Cooperation and Assistance is mandated in part to "promote cooperation and assistance under the Convention, including by organizing or encouraging the organization of multilateral, regional or national dialogues on cooperation and assistance" and to "facilitate the fostering of partnerships between States parties seeking to receive assistance and those in a position to provide such assistance, including through the use of information exchange tools". This Committee has carried out efforts to promote a

more robust exchange of information between stakeholders at an international and national level. One of these recent efforts is the establishment of the *Individualized Approach*, which offers a platform on the margins of informal and formal meetings for interested States parties to invite partners and stakeholders to discuss remaining challenges and their requirements for support.

In addition to the individualized approach, the Committee further recognized the need to ensure that a regular dialogue and exchange of information with partners are fostered at the national level. In a paper it presented for a model National Mine Action Platform, the Committee promoted the establishment of a platform for dialogue to periodically call on all stakeholders to come together and discuss progress made, as well as challenges faced in implementation. Continuous dialogue with stakeholders on implementation has been noted as a critical component of implementation and support for mine action programmes to strengthen cooperation and assistance.

Confidence- and security-building

Transparency and the exchange of information have also proved essential as a confidence- and security-building measure. One example is that of Ecuador and Peru, who in 1995 were engaged in a border conflict in which both States employed anti-personnel mines. Following three years of negotiations, the Governments signed a comprehensive peace accord on 26 October 1998, which opened the door for the States to ratify the Convention on 29 April 1999 and on 17 June 1998, respectively. Since this time, Ecuador and Peru have had regular meetings for their National Mine Action Authorities to exchange information on demining operations along their joint border, including to facilitate the exchange of best practices and expertise in meeting their treaty obligations. These meetings have also led to valuable information being exchanged on the location of mined areas, supporting their subsequent eradication. Ecuador and Peru also carried out several activities to share information with the international community on

progress in their joint efforts under the name of “Ecuador and Peru: Walking Together”. As a result of this cooperation, they have developed a binational Humanitarian Demining Unit and a binational humanitarian Demining Manual to carry out joint operations along the border in the square kilometre of Tiwinza, an area that was part of the peace accord, starting in 2013 and successfully culminating in 2018.

Today, a number of States parties that face challenges from mined areas along their joint borders could benefit from this type of regular dialogue and exchange of information, as a means not only to ensure the safety and security of communities living in the border area but also to address mine contamination in an effective and efficient manner. Transparency and the exchange of information can also provide an opportunity to carry out efforts to separate what is essentially a technical activity for humanitarian ends from the political aspects associated with delineation and demarcation of the border. The work carried out by Ecuador and Peru is a good example of possible collaboration.

Conclusions

It is difficult to overestimate the importance of transparency and the exchange of information in fostering cooperation and assistance, strengthening confidence between States and ultimately contributing to the effective implementation of the Convention. While it is not always easy to attribute success to these two critical elements, without them in place, conversations on cooperation and assistance and the building of confidence are simply non-starters.

The opportunities mentioned in this article are not exhaustive.

Several other opportunities that demonstrate the important role of transparency and exchange of information exist. These include, for example, the important process established by the States parties for the submission and consideration of requests

for extension of mine clearance deadlines. While outside of this article's scope, it is also important to mention the important contribution by civil society organizations through, for example, the research carried out by the Landmine Monitor and the Mine Action Review, as well as from the platform provided by the Journal of Conventional Weapons Destruction. Several other forums that help further the Convention's aims include the Mine Action Support Group, a forum composed of donor States that meet twice a year to exchange information, as well as coordinate financial support and resources. Likewise, States parties and/or civil society organizations often hold international, regional and national events to share information on implementation and for stakeholders to collectively discuss ways to improve the effectiveness and efficiency of their work. All these activities contribute to the work of the Convention.

Things are not perfect, but they can be improved. Thankfully, transparency and the exchange of information are deeply engrained in our work culture.

The high level of transparency and exchange of information within this Convention, as well as the close dialogue of its machinery with civil society and representatives of States parties—including national mine action centres and authorities—are often non-existent within other conventions. Likewise, the ability of the machinery to adapt to improved working methods has also contributed to the success of the Convention.

We will all need to continue improving in our work. We will also have to ensure that those States that make a concerted effort to demonstrate a high level of transparency and provide high quality information on their efforts to implement the Convention also receive the necessary support to meet their commitments. It is this information exchange and openness that will continue to foster collaboration and build trust so that mine-affected States parties and those in a position to assist can enter into partnerships to address, as soon as possible, the

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remaining challenges and further the ambitions of the States parties to complete the Convention's time-bound obligations, to the fullest extent possible, by 2025.



Croatian deminers, 2017. © AP Mine Ban Convention ISU

Afterword

This edition began with an idea, in early 2019, to undertake a broad examination of the Anti-Personnel Mine Ban Convention in celebration of its twentieth anniversary. The aim was to bring together diverse perspectives on this key instrument of humanitarian disarmament, giving readers insight into its accomplishments to date and, of equal emphasis, challenges that the world still must overcome to finally end the appalling suffering caused by landmines.

During early preparations, the United Nations Office for Disarmament Affairs consulted with the Anti-Personnel Mine Ban Convention Implementation Support Unit, based in Geneva, on the structure of the publication and possible authors. It was decided that a chapter would be dedicated to each element of the Convention, enabling a comprehensive reflection of its development and first 20 years in force. Over two and a half months of intensive outreach, pioneers and luminaries of the movement that helped achieve the Convention, and continue to save lives and limbs today, kindly agreed to contribute as authors. It was a privilege to work with and learn from this multidisciplinary group of officials, scholars and advocates who have committed themselves over the past two decades towards realizing the Convention's full implementation. The passion and rigour behind their contributions offered a unique window into the qualities that have advanced progress within the Convention's framework.

We extend our sincere gratitude to all the authors and photographers whose work is in this publication. With respect to the authors, we offer our deepest appreciation for their profound reflections on the subject matter, and for the flexibility and grace they displayed during the challenging pre-publication process. To the photographers, their work in illustrating all the many facets related to this Treaty, from negotiations to adoption to capturing the work taking place in clearance, education and victim assistance, reveals the human dimensions of mine action.

Many thanks to our colleagues in the United Nations Mine Action Service for allowing us to draw from their collection of photographs.

Finally, we thank in particular the Anti-Personnel Mine Ban Convention Implementation Support Unit for its encouragement and assistance throughout this project. The fruits of their enduring commitment already extend far beyond these pages.

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Notes

1. This is an edited version of a chapter originally published as “The Ottawa Convention on Anti-Personnel Landmines”, in Andrew F. Cooper, Jorge Heine and Ramesh Thakur, eds. *The Oxford handbook of Modern Diplomacy* (Oxford, Oxford University Press, 2013), pp. 797-809, reproduced by permission of Oxford University Press.
2. A Distinguished Professor Emeritus at the University of Waterloo, John English has been a Liberal Member of Parliament, a Special Ambassador for Landmines and a Special Envoy for the election of Canada to the United Nations Security Council, and a Board member of the Canadian Landmine Foundation. He is currently the Director of the Bill Graham Centre for Contemporary International History at Trinity College.
3. This was the Oslo Diplomatic Conference on an International Total Ban on Anti-Personnel Landmines, which took place in Oslo during 1-18 September 1997. See https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XXVI-5&chapter=26&clang=_en.
4. The best source for the ratification process is the website of the [International Campaign to Ban Landmines](#). The site also provides a short history of the landmine campaign and traces the success of mine eradication efforts. The major history of the landmine ban was compiled shortly after the treaty was signed in Ottawa: Maxwell A. Cameron, Robert J. Lawson and Brian W. Tomlin, eds. *To Walk Without Fear: The Global Movement to Ban Landmines* (Toronto, Oxford University Press, 1998).
5. Several of the leading activists make these arguments in Jody Williams, Stephen D. Goose and Mary Wareham, *Banning Landmines: Disarmament, Citizen Diplomacy, and Human Security* (Lanham, Maryland, Rowan & Littlefield Publishers, 2008). They are accepted by Lloyd Axworthy, foreign minister of Canada between 1996 and 2000, in his *Navigating a New World: Canada's Global Future* (Toronto, Knopf Canada, 2004).
6. International Committee of the Red Cross, *Symposium on Anti-Personnel Mines*, Montreaux, 21-23 April 1993.
7. This argument was later developed as a major explanation for the successful achievement of the mine ban by Ramesh Thakur and William Maley, “The Ottawa Convention on Landmines: A Landmark Humanitarian Treaty in Arms Control?”, *Global Governance*, vol. 5, no. 3 (July-September 1999), pp. 273-302.
8. Leahy describes his personal efforts at a Senate hearing whose testimony was published: “The Global Landmine Crisis”, Subcommittee

of the Committee on Appropriations United States Senate, One Hundred Third Congress, Second Session, 13 May 1994 (Washington, United States Government Printing Office, 1994), pp.1-3.

9. The best description of Leahy's role and the early organizational efforts is found in Mary Wareham, "Rhetoric and Policy Realities in the United States", in *Walk Without Fear*, Cameron et. al., eds. (Toronto, Oxford University Press, 1998).

10. Williams and Stephen Goose of Human Rights Watch have written their own account of the creation of the ICBL: "The International Campaign to Ban Landmines", in *Walk Without Fear*, Cameron et. al., eds. (Toronto, Oxford University Press, 1998).

11. Lewis' important article was published on 25 June 1989.

12. Williams and Goose, "The International Campaign to Ban Landmines", p. 24.

13. ICRC, *Report: Symposium on Anti-Personnel Mines*.

14. Quoted in Human Rights Watch, *In Its Own Words: The US Army and Antipersonnel Mines in the Korean and Vietnam Wars* (New York, Human Rights Watch, 1997), p. 13.

15. See, for example, Chris Smith, *The Military Utility of Landmines* (London, Centre for Defence Studies, University of London, 1996).

16. Williams and Goose, "Citizen Diplomacy and the Ottawa Process: A Lasting Model?" in Williams et. al., *Banning Landmines*, p. 188.

17. Williams and Goose, "The International Campaign to Ban Landmines", p. 33.

18. Axworthy, *Navigating a New World*, p. 135.

19. *Ibid.*, p. 138.

20. The Halo Trust took Diana to Angola and the Landmine Survivors network escorted Diana to Bosnia just weeks before her death.

21. See <https://www.apminebanconvention.org/en/ottawa-process/overview/>.

22. The best account of this negotiation is in Axworthy, *Navigating a New World*, 144ff.

23. The author is a former Policy Manager and Acting Director at the International Campaign to Ban Landmines, a global coalition of non-governmental organizations working to end the suffering caused by antipersonnel mines, laureate of the 1997 Nobel Peace Prize.

24. Remarks by Mr. Annan at the High-Level Segment of the Pledging Conference for the Anti-Personnel Mine Ban Convention, 2 March 2016, Geneva, Switzerland.
25. See for instance: In message to Maputo conference, Ban calls for accelerating efforts towards mine-free world, press release by the United Nations, 26 June 2014, and United Nations Secretary-General's Video Message on the 20th Anniversary of the Anti-Personnel Mine Ban Convention, 16th Meeting of States Parties to the Convention, 18 December 2017, Vienna, Austria.
26. Message to the 16th Meeting of States Parties to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, 18 December 2017, Vienna, Austria.
27. List of Multilateral Treaties Deposited with the Secretary-General which are Close to Achieving Universal Participation, United Nations Treaty Collection, 31 May 2019.
28. See for example the List of Multilateral Treaties Highlighted at the 2019 Treaty Event, United Nations Treaty Collection.
29. McCartney pushes for landmine ban, BBC News, 20 April 2001.
30. Juanes se une a campaña contra las minas antipersonal, El Universal, 12 November 2009.
31. Actor Daniel Craig designated United Nations global advocate for elimination of mines and other explosive hazards, press release by the United Nations, 14 April 2015.
32. Angelina Jolie joins Diana's crusade to ban landmines, *The Guardian*, 20 October 2002.
33. Neymar Jr becomes Handicap International Ambassador, press release by Handicap International United Kingdom, 15 August 2017.
34. Prince Harry calls for a redoubling of efforts to achieve a Landmine Free 2025, press release by The HALO Trust, 19 December 2017.
35. London. Archbishop Desmond Tutu supporting the anti-personel (sic) mines campaign, audio-visual archives of the International Committee of the Red Cross, 25 October 1995.
36. See for example: Special envoy Princess Astrid of Belgium welcomes Oman's decision to join the Anti-Personnel Mine Ban Convention, press release by the Implementation Support Unit of the Convention, 19 March 2014; Convention Special Envoy welcomes Sri Lanka role in fostering

treaty norm in South Asia, press release by the Implementation Support Unit of the Convention, 7 March 2018.

37. 20 years on: Remembering Princess Diana's contribution to the landmine movement, press release by the Implementation Support Unit of the Convention, 31 August 2017.

38. H.E. Amb. Suraya Dalil, Ambassador of Afghanistan to Switzerland and President of the 17th Meeting of States Parties, "On Convention anniversary, Afghanistan calls for full acceptance of landmine ban in Asia", press release by the Implementation Support Unit of the Convention, 1 March 2018.

39. H.E. Amb. Hans Brattskar, Permanent Representative of Norway to the United Nations in Geneva and President of the Fourth Review Conference of the Convention, "On 20th anniversary, Convention President calls on States that have not yet done so, to take the right side of history by abolishing these weapons", press release by the Implementation Support Unit of the Convention, 18 September 2017.

40. H.E. Amb. Thomas Hajnoczi, Permanent Representative of Austria to the United Nations in Geneva and President of the 16th Meeting of States Parties, "Treaty president calls for immediate end to landmine use in Yemen", press release by the Implementation Support Unit of the Convention, 24 April 2017.

41. H.E. Amb. Thomas Hajnoczi, Permanent Representative of Austria to the United Nations in Geneva and President of the 16th Meeting of States Parties, "Landmine treaty President calls for fact-finding mission in Myanmar", press release by the Implementation Support Unit of the Convention, 22 September 2017.

42. Ending the suffering caused by anti-personnel mines: Nairobi Action Plan 2005-2009, APLC/CONF/2004/5, p. 95.

43. Ending the suffering caused by anti-personnel mines: the Cartagena Action Plan 2010-2014, APLC/CONF/2009/9, p. 141; Maputo Action Plan 2015-2019, APLC/CONF/2014/4, p. 12.

44. At www.apminebanconvention.org.

45. Andras Kos, Head of Disarmament of the European Union delegation to the United Nations in Geneva, "The Anti-Personnel Mine Ban Convention becomes binding law through the European Union", press release by the Implementation Support Unit of the Convention, 31 May 2013.

46. Council Joint Action 2008/487/CFSP of 23 June 2008, Council Decision 2012/700/CFS of 13 November 2012, and Council Decision 2017/1428/CFSP of 17 August 2017.
47. See section on high-level representation.
48. High-level visits to three other states not party are planned for 2019–2020.
49. Thirteen States not party participated in the Geneva event: Armenia, Azerbaijan, India, the Lao People’s Democratic Republic, Lebanon, Morocco, Nepal, Pakistan, Palestine, Singapore, Sri Lanka, the United Arab Emirates and the United States.
50. See section on interim steps.
51. [A/RES/52/38/A](#); [A/RES/73/61](#).
52. [A/RES/73/61](#).
53. *Idem*.
54. Belarus, Bhutan, Democratic Republic of the Congo, Equatorial Guinea, Eritrea, Estonia, Finland, Nigeria, North Macedonia, Oman, Papua New Guinea, Sri Lanka, and Turkey. Source: *Landmine Monitor 2018*.
55. See Shannon Smith, *Surround the Cities with the Villages: Universalization of the Mine Ban Treaty*, in *Banning Landmines*, Rowman & Littlefield, 2008.
56. Information on the Coordinating Committee of the Convention is available at <https://bit.ly/2lQrCvY>.
57. See <https://bit.ly/2b6MNEL>.
58. Statement by the International Committee of the Red Cross, 17th Meeting of States Parties to the Anti-Personnel Mine Ban Convention, 30 November 2018.
59. Joint Statement by Ýsmaíl Cem, Minister of Foreign Affairs of the Republic of Turkey, and George Papandreou, Minister of Foreign Affairs of the Hellenic Republic, Ankara, 6 April 2001.
60. Letter from Minister of Foreign Affairs of Turkey Ismaíl Cem to Jody Williams, ICBL, 7 June 2001.
61. H.E. Amb. Murat Sungar, Permanent Representative of Turkey to the United Nations in Geneva, reported in “Conference on Disarmament Starts Second Part of 2001 Session”, press release by the United Nations, 17 May 2001.

62. Singapore Technologies Engineering, the government-linked company that produced antipersonnel mines, confirmed in 2015 that it no longer did. See Landmine Monitor information on mine ban policy in Singapore at <https://bit.ly/2lz1Xle>.
63. See Landmine Monitor information on mine ban policy in the United States at <https://bit.ly/2kv95Fo>.
64. Under Article 7 of the Convention, States must report each year in writing on measures taken at the national level to implement the Convention.
65. Kathleen Lawand, Non-State Actors and the mine ban: The Ottawa Convention framework, in *Beyond States: Engaging non-state armed groups for a truly effective mine ban*, Italian Campaign to Ban Landmines, not dated.
66. Geneva Call, Annual Report 2018.
67. The November 2006 Comprehensive Peace Agreement committed the Government of Nepal and the former Communist Party of Nepal/Maoist to halt the use of mines and required the parties to assist each other to mark and clear mines and booby-traps. See [Landmine Monitor](#).
68. On 24 November 2016, the Government of Colombia and the FARC signed an agreement committing both parties to end their long-running armed conflict and to build peace, including through mine clearance. An October 2017 ceasefire agreement between the Government and the ELN included a commitment not to use anti-personnel mines. See [Landmine Monitor](#).
69. See “[Conclusions on the status of implementation of Article 4 \(Stockpile Destruction\) of the Anti-Personnel Mine Ban Convention](#)”, Mine Ban Treaty Seventeenth Meeting of States Parties, 25 September 2018. See also *Landmine Monitor 2018*, p. 4.
70. See the [Landmine and Cluster Munition Monitor](#) website for annual reports and country profiles.
71. See also: Mary Wareham, “Evidence-Based Advocacy: Civil Society Monitoring of the Mine Ban Treaty”, in Wareham, Stephen D. Goose, and Jody Williams (eds.), *Banning Landmines: Disarmament, Citizen Diplomacy, and Human Security* (Rowman & Littlefield, 2008).
72. Human Rights Watch and Physicians for Human Rights, *Landmines: A Deadly Legacy*, October 1993. .
73. International Campaign to Ban Landmines, *Landmine Monitor Report 1999: Towards a mine-free world*, April 1999. This first report is available from the Monitor’s archived [site](#).

74. States not party that have stockpiled anti-personnel mines: Armenia, Azerbaijan, Bahrain, China, Cuba, Democratic People's Republic of Korea, Egypt, Georgia, India, Iran (Islamic Republic of), Israel, Kazakhstan, Kyrgyzstan, Lao PDR, Lebanon, Libya, Mongolia, Morocco, Myanmar, Nepal, Pakistan, Republic of Korea, Russian Federation, Saudi Arabia, Singapore, Syrian Arab Republic, United Arab Emirates, United States, Uzbekistan and Viet Nam.
75. Austria, Belgium, Canada, El Salvador, Germany, Guatemala, Luxembourg, Namibia, Norway, Philippines, South Africa and Switzerland. See *Landmine Monitor Report 1999*.
76. See *Landmine Monitor Report 2004*.
77. See *Landmine Monitor Report 2009*.
78. See *Landmine Monitor 2018*, p. 4.
79. See *Landmine Monitor 2018*, p. 19.
80. See also: Stephen D. Goose, "Goodwill Yields Good Results: Cooperative Compliance and the Mine Ban Treaty", in Goose, Jody Williams and Mary Wareham (eds.), *Banning Landmines: Disarmament, Citizen Diplomacy, and Human Security* (Rowman & Littleford, 2008).
81. Interview with Steffen Kongstad, Deputy Director General, Royal Norwegian Ministry of Foreign Affairs, Oslo, 5 April 2006.
82. Telephone Interview with Steve Goose, Executive Director Arms Division, Human Rights Watch, 11 April 2006.
83. The treaty provides for five steps to be taken: 1) One or more States parties can request information regarding allegations of non-compliance from the requested State Party that has 28 days to respond; 2) If the requested State Party fails to respond satisfactorily (or at all), the requesting state or states may either refer the matter to the next meeting of States parties or, if one-third of members agree, convene a special meeting of States parties; 3) If unable to resolve the issue, the meeting or special meeting of State Parties can authorize by majority vote a fact-finding mission to the State Party concerned by a team of experts selected from a list maintained by the United Nations Secretary-General; 4) The fact-finding mission must give at least 72 hours notice before its arrival, and may stay up to fourteen days after which it reports its findings to the meeting or special meeting of States parties; 5) The meeting or special meeting of States parties reviews the fact-finding mission's report and then, by a two-thirds vote if consensus cannot be reached, may ask the requested State Party to take measures to address the compliance issue within a specified period of time, and suggest ways

and means to resolve the matter, “including the initiation of appropriate procedures in conformity with international law.”

84. The treaty requires that each State party with stockpiled anti-personnel mines report and provide updated information annually on: 1) The total number of anti-personnel mines in its ownership or possession, or under its jurisdiction or control, including a breakdown of the type, quantity and, if possible, lot numbers of each type of stockpiled mine; 2) The status of programmes to destroy stockpiled anti-personnel mines, including details of the methods to be used in destruction, location of all destruction sites and the applicable safety and environmental standards to be observed; and 3) The types and quantities of all anti-personnel mines destroyed during the previous calendar year, including the full breakdown of the quantities, types and, if possible, lot numbers of each type of stockpiled mine. See Office for Disarmament Affairs’ Article 7 monitoring [website](#).

85. By 1997, there was already fatigue over the cost and needs of treaty support structures after the Chemical Weapons Convention created the Organization for the Prohibition of Chemical Weapons (OPCW) in 1993 and the Comprehensive Nuclear Test Ban Treaty established its International Monitoring System in 1996.

86. See for example, ICBL Press Release, “Landmines Campaign Challenges Governments to Complete Stockpile Destruction by September 2001”, (Buenos Aires, 6 November 2000).

87. Such stockpile destruction events took place in Algeria, Croatia, Japan, Mozambique, and other states.

88. BBC, “[Prince Harry walks through Angola minefield 22 years after Diana](#)”, 28 September 2019.

89. Art. 5 (1), Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction; adopted at Oslo, 18 September 1997; entered into force, 1 March 1999.

90. A dispute exists between the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland concerning sovereignty over the Falkland Islands (Malvinas).

91. See S. Maslen, *Commentary on the 1997 Anti-Personnel Mine Ban Convention*, Oxford University Press, Oxford, paras. 5.10 and 5.35.

92. Art. 5 (1), Anti-Personnel Mine Ban Convention.

93. Three locations reported in the Mine Action Review to have mines are not mentioned specifically in this article, as they do not have the status of being States which could independently join the Convention. [Mine Action](#)

[Review](#), *Clearing the Mines 2019*, Norwegian People's Aid, London, October 2019.

94. Art. 5 (2), Anti-Personnel Mine Ban Convention.

95. Bhutan, Cameroon and Palau.

96. Montenegro and South Sudan.

97. *Albania, Algeria, Bangladesh, Belarus, Bhutan, Bulgaria, Burundi, Congo, Costa Rica, Czechia, Denmark, Djibouti, Estonia, Eswatini, France, Gambia, Germany, Greece, Guatemala, Guinea-Bissau, Honduras, Hungary, Jordan, Kenya, Kuwait, Latvia, Liberia, Lithuania, Malawi, Mauritania, Mongolia, Montenegro, Mozambique, Namibia, **Nepal**, Nicaragua, North Macedonia, Palau, Philippines, Republic of Moldova, Rwanda, Sierra Leone, Slovenia, Suriname, Tunisia, Uganda, United Republic of Tanzania, Venezuela (Bolivarian Republic of) and Zambia.* States parties in italics are those that reported mined areas under the Convention, and which have subsequently reported completion under the Convention. State not party in bold.

98. [Mine Action Review](#), *Clearing the Mines 2019*, Norwegian People's Aid, London, October 2019. As at September 2019, Cameroon and Nigeria had yet to request an extension to their Article 5 deadlines.

99. A dispute exists between the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland concerning sovereignty over the Falkland Islands (Malvinas).

100. Ibid.

101. [Mine Action Review](#), *Clearing the Mines 2019*, Norwegian People's Aid, London, October 2019.

102. Armenia, Azerbaijan, China, Cuba, Democratic People's Republic of Korea, Egypt, Georgia, India, Iran (Islamic Republic of), Israel, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Libya, Morocco, Myanmar, Pakistan, Russian Federation, Republic of Korea, Syrian Arab Republic, Uzbekistan, and Viet Nam. [Mine Action Review](#), *Clearing the Mines 2019*, Norwegian People's Aid, London, October 2019.

103. [Mine Action Review](#), *Clearing the Mines 2019*, Norwegian People's Aid, London, October 2019.

104. Ibid.

105. Ibid.

106. Ibid.

107. [Mine Action Review](#), *Clearing the Mines*, Norwegian People's Aid, London, June 2014.

108. Doc. APLC/MSP.12/2012/7.

109. International Campaign to Ban Landmines, *Landmine Monitor 2018*, International Campaign to Ban Landmines—Cluster Munition Coalition, November 2018.

110. In 2019, Afghanistan became the first country programme to release a national standard for tackling mines of an improvised nature. AMAS 06.10: Abandoned Improvised Mine Clearance was released in March 2019. As its title makes clear, and to protect the neutrality of humanitarian mine action, the Department of Mine Action Coordination in the Afghan Government permits clearance only of items that are not subject to areas of active hostilities. Under international humanitarian law, direct participation in hostilities (which includes mine clearance in contested areas without the consent of all the parties to the conflict) makes a person a lawful target of lethal force by a party to an armed conflict.

111. See, e.g., “Situation of human rights in Yemen, including violations and abuses since September 2014”, Report of the Group of Eminent International and Regional Experts, United Nations, A/HRC/42/17, 9 August 2019, pp. 8–9.

112. See, e.g., International Organization for Migration, “Cameroon, Far North Region, Displacement Report, Round 15, 3–15 September 2018”, Geneva, 2018; United Nations Mine Action Service (UNMAS), “Mission Report: UNMAS explosive hazard mitigation response in Cameroon, 9 January–13 April 2017”, 30 April 2017; and UNMAS, “Mission Report: UNMAS Explosive Threat Scoping Mission to Nigeria 3 to 14 April 2017”, New York, 2017.

113. At bit.ly/2QeQWXX; and at bit.ly/2kwnstd, respectively.

114. The obligation in the Convention is to address mined areas under a State party's jurisdiction *or* control.

115. For details, see the overview in [Mine Action Review](#), *Clearing the Mines 2019*, Norwegian People's Aid, Oslo, October 2019.

116. See <https://sustainabledevelopment.un.org/sdg16>.

117. Officially known as the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction.

118. International Committee for the Red Cross, “Landmines Must Be Stopped”, ICRC 1998, p. 16.

119. *Hidden Killers: The Global Problem with Uncleared Landmines* (United States Department of State, Washington, D.C., July 1993), p. 2.
120. *1998 Hidden Killers*, p. 1.
121. Statement of Jody Williams, VVAF, representing the ICBL to the Opening Plenary Session, Review Conference of the CCW, Geneva, Switzerland, April 22, 1996.
122. “The Land Mine Cause”, *Christian Science Monitor*, September 8, 1997, 20. The *USA Today* said that “Princess Diana’s death may ultimately achieve what she had fought for much of her adult life: new limits or even a global ban on land mines.” Jack Kelly and William M. Welch, “Death could be impetus for land mine ban”, *USA Today*, September 2, 1997, 20A.
123. APLC/CONF/2004/5.
124. Assisting Landmines and other Explosive Remnants of War Survivors in the Context of Disarmament, Disability and Development, Anti-Personnel Mine Ban Convention Implementation Support Unit.
125. APLC/CONF/2004/5. In the lead up to the Nairobi Summit, 23 States parties had indicated having significant numbers of mine survivors (Afghanistan, Albania, Angola, Bosnia and Herzegovina, Burundi, Cambodia, Chad, Colombia, Croatia, the Democratic Republic of the Congo, El Salvador, Eritrea, Guinea-Bissau, Mozambique, Nicaragua, Peru, Senegal, Serbia and Montenegro, Sudan, Tajikistan, Thailand, Uganda and Yemen).
126. 30 States parties with significant numbers of landmine survivors: Afghanistan, Albania, Angola, Bosnia and Herzegovina, Burundi, Cambodia, Chad, Colombia, Croatia, Democratic Republic of the Congo, El Salvador, Eritrea, Ethiopia, Guinea-Bissau, Iraq, Jordan, Mozambique, Nicaragua, Peru, Senegal, Serbia, Somalia, South Sudan, Sri Lanka, Sudan, Tajikistan, Thailand, Uganda, Yemen and Zimbabwe.
127. Fostering Partnerships was a global conference on victim assistance in the contexts of the Anti-Personnel Mine Ban Convention took place in Amman in September 2019, as an effort to provide support to landmine affected countries with regard to victim assistance.
128. Maputo+15 Declaration, 2014.
129. E.g. “[Acting Against Landmines, the position of Handicap International](#)”, 2001.
130. “The stages of behavior change” (Grimley 1977 and Prochaska 1992).

131. Incidence refers to the number of new casualties during a particular time period (such as a month or year or more) and may be expressed as a percentage of the population.

132. Article 6, paragraph 7d.

133. McGrath, 1997.

134. Perhaps, it was taken for granted that destroying landmines would reduce incidence—though it can be argued that these activities do not automatically imply the reduction of mine incidents. In any case, the link between destruction of landmines and reduction of incidence is not mentioned in the Convention.

135. The five mine action pillars not only share the same humanitarian vision, they also share the same development vision as reflected for example in the previous and current [United Nations Mine Action Strategy](#) “a world [...] where individuals and communities live in a safe environment conducive to [...] development”.

136. “a chaotic start with too many NGOs trying to implement mine awareness programs with no experience” (Landmine Monitor 2000).

137. “It was feared that children would intentionally walk into minefields in the hope that Superman would come and rescue them (Taylor, 2003)” quoted by Han Yu “Comics in technical communication” (2015).

138. The most decisive field test was the “Superman Mine & UXO Awareness Comic Testing”, Prim Research, 2000.

139. Or transforming mine risk education posters into cigarette paper, “Les outils du PEPAM au Mozambique—Capitalisation” p.31—Handicap International (2000).

140. For example, Handicap International in 1999-2000 “capitalized” all its mine risk education activities and materials in 8 countries and subsequently published guidelines in various languages. ICBL formed the “International Mine Risk Education Working Group in 2000”, a community of practice of still active in 2019 with currently more than 300 members.

141. See for example the [notes](#) for ICRC intervention on “mine risk education” presented at the Standing Committee on Mine Clearance, Geneva, May 2009.

142. Davies and al. (2000). *What Works? Evidence-based Policy and Practice in Public Services*. Bristol: Policy Press.

143. Young and al. (2002) “Social science and the evidence-based policy movement”, *Social Policy and Society*, Vol. 1, No. 3, pp. 215-224.

144. Andersson et al. (2003) “Mine smartness and the community voice in mine-risk education: lessons from Afghanistan and Angola”, *Third World Quarterly*, Vol 24, No 5, pp. 873-887.

145. Another remarkable exception is the “Capitalisation on network strengthening, community-based approach and partnership in mine risk education project. Lessons learned from experience in Angola” (Handicap International, 2006) with an analytical framework using the combination of two variables: 1. Project Cycle Phase, and 2. Degree of Participation of Affected Populations (GRET, 1999, quoted by Handicap International, 2006).

146. “Effective mine risk education in war-zone areas—a shared responsibility”, *Health Promotion International*, Vol 20, No 3, pp 213-220. From Lao, see also the paper “Unexploded Ordnance Risk Education Needs Assessment in Lao People’s Democratic Republic” (Mines Advisory Group, Laos Youth Union, 2006) with the Combination of KAP survey and Injury Surveillance analysis as well as introduction of the “Triangular Formula” that promotes the combination of three approaches i) mass medium, ii) face-to-face communication and iii) print or electronic IEC material.

147. Green and Kreuter (1999) “Health Promotion Planning: An Educational and Ecological Approach”, 3rd Edn. Mayfield Publishing Company, Mountain View, CA.

148. For instance, providing solar stoves to communities to prevent the use of firewood from contaminated areas.

149. [Notes for ICRC intervention on “mine risk education”](#) presented at the Standing Committee on Mine Clearance, Geneva, May 2009.

150. WHO (2001). [Description and comparison of the methods of cluster sampling and lot quality assurance sampling to assess immunization coverage.](#)

151. For example, Handicap International (2009). [“Knowledge, Attitudes and Practices for Risk Education. How to implement KAP surveys”.](#)

152. The United Nations Children’s Fund: Evidence-based approaches to war-related injuries and humanitarian public health. Funding Opportunity Number: CDC-RFA-EH09-904—Unpublished, 2009. See also United States Foreign Policy Agenda, vol. 9 number 1 (2004) [“Protecting Lives, Restoring Livelihoods: The U.S. Program To Remove Landmines”.](#)

153. Anderson and Gerber, 2004 “Applying Epidemiology to the Field of Mine Action”, *United States Foreign Policy Agenda*, an Electronic Journal of the United States Department of State, Vol 9, No 1, pp. 11-13 (online).

154. BILUKHA, O. (2005) “Injuries and deaths caused by unexploded ordnance in Afghanistan: review of surveillance data, 1997-2002”, *British Medical Journal*, Vol. 330, No 7483, pp.127-128.
155. However the new [2019-2023 United Nations Mine Action Strategy](#) has now solid language on injury surveillance: Cross-cutting Strategic Outcome 1, Output 2.2: “Facilitating and supporting the development and maintenance of injury surveillance systems as a prerequisite for prioritization of risk reduction efforts (SO1, SO2, SO3)”.
156. [IMAS Mine Risk Education Best Practice Guidebooks](#), the United Nations Children’s Fund and the Geneva International Centre for Humanitarian Demining. (2005).
157. Vera and Crossan (2004).
158. Between 2009 and 2017, no dedicated global mine risk education courses were offered for the mine action sector.
159. Thinking inside the box and using repeated attempts to answer the same problem. Single-loop and double-loop learning (Argyris, 1976) appear as a central concept to distinguish how organizations continuously adjust their actions either superficially (single-loop) or fundamentally (double-loop).
160. Carley, K. (1992) “Organisational Learning and personal turnover”, *Organisation Science*, Vol. 3, No. 1, pp. 20-46.
161. “[The definition of a rule of thumb is a generally accepted guideline, policy or method of doing something based on practice rather than facts](#)”.
162. [Meta Evaluation of Mine Action and Development](#), IOD Parc (2012).
163. Since 2016, every October, the one-week Integrated Mine Action Course is conducted in Spiez, Switzerland, with participation of at least a dozen organizations. As part of the same training program, another ten-day RBM course is also proposed on “[Developing Effective Mine Risk Education](#)”.
164. The fact sheet of the course argues that “the five-pillar structure is universally used in standards, guidelines and treaties. However, most programmes address the pillars and deploy their human and material resources in silos”.
165. The United Nations Mine Action Service, the United Nations Development Programme, the United Nations Children’s Fund, ICRC, the Geneva International Centre for Humanitarian Demining, the Norwegian People’s Aid, the Mines Advisory Group, HALO Trust, the Swiss Foundation for Mine Action, the Danish Demining Group/Danish Refugee Council,

the DanChurchAid, Humanity and Inclusion, AAR, Save the Children, the Korea International Cooperation Agency, Swiss Armed Forces. A few national authorities, national NGOs, and universities also participated in this course.

166. For example, the use of mine risk education teams in Non-Technical Surveys becoming a norm rather than the exception.

167. To name a few: United Nations Mine Action Service, HALO Trust or the Norwegian People's Aid. After a decade without in-house mine risk education capacity, the Geneva International Centre for Humanitarian Demining created two mine risk education-related posts in 2019.

168. [International Mine Risk Education Working Group](#).

169. [“Establishment of the Explosive Ordnance Risk Education Advisory Group”](#) (GPC, 2019).

170. Data from 2018.

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