
CONVENTION ON THE PROHIBITION OF THE USE, STOCKPILING, PRODUCTION AND TRANSFER OF ANTI-PERSONNEL MINES AND ON THE DESTRUCTION (MINE BAN TREATY)

Opened for Signature: 3 December, 1997.

Entered into Force: 1 March, 1999.

Number of Parties: 139. (As of 26 September, 03)

Number of Signatories: 150. (As of 26 September, 03)

Treaty Text

Background: A global mine ban has always been an issue of contention due to the strong opposition by many countries to such a ban. The 1995-96 Review Conference of the 1980 [Convention on Certain Conventional Weapons \(CCW\)](#) failed to agree to substantial restrictions on APL within its framework. However, by May 1996, some 40 countries had declared various degrees of unilateral bans or moratoria on the production of mines, as well as their use and transfer.

On 3-5 October, 1996, Canada hosted a conference on “Towards a Global Ban on Anti-Personnel Mines,” held in Ottawa, which 71 countries attended (47 participating and 24 observer States). The “Ottawa Declaration,” issued on 5 October, signed by 50 States urged a total APL ban to be concluded and signed by December 1997, and to enter into force in 2000. The Declaration also called for a follow-up conference to be hosted by Belgium in June 1997. In December 1996, 157 countries committed themselves to this goal in United Nations General Assembly Resolution 51/45S, which called upon all countries to conclude a new international agreement totally prohibiting anti-personnel mines on a high priority basis. No country opposed the resolution and only 10 abstained.

Austria took the lead in the development and circulation of a draft anti-personnel mine ban treaty text and hosted two expert meetings to discuss a possible treaty text. The first meeting

was held on 12-14 February in Vienna and attended by 111 States, and the second in late May 1997. An expert’s meeting was held in Bonn on 24-25 April to discuss possible verification measures to be included in the final product. The “Fourth International Conference on the International Campaign to Ban Landmines” was held in Maputo (Mozambique) on 25-28 February, 1997, and was attended by 60 countries.

The “Brussels International Conference for a Global Ban on Anti-Personnel Mines” was held in Brussels, on 24-27 June with the participation of 154 countries. One hundred-seven States committed to the achievement of a total ban within a year in the Brussels Declaration. The Declaration called for the convening of a conference in Oslo to negotiate such ban on the basis of the draft prepared by the Austrian government.

Norway consequently hosted a meeting in the fall of 1997 to continue negotiations on an APL treaty text. Ninety-one countries took part in the negotiations and 38 were present as observers, including the International Committee of the Red Cross (ICRC), the International Campaign to Ban Landmines (ICBL), and the [United Nations \(UN\)](#). On 18 September, the participating States succeeded in adopting a draft treaty text without a vote. In December, the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction was opened for signature in Ottawa and thereafter at the UN headquarters in New York. The Mine Ban Treaty entered into force on 1 March 1999, only 15 months after it had been open for signature. By that day 133 States had signed the Convention, and 67 had ratified it.

In recognition of their contribution, the ICBL, a coalition of 1,000 non-governmental organizations in over 60 countries, received the Nobel Peace Prize in 1997.

Obligations: A State Party commits not to use, develop, produce, otherwise acquire, stockpile,

retain, or transfer to anyone anti-personnel mines (Article 1). It also agrees to destroy or ensure the destruction of all stockpiled anti-personnel mines owned, possessed, or controlled by it within four years of the entry into force of the Convention for this State (Articles 1 and 4); and to destroy or ensure the destruction of all anti-personnel mines in mined areas under its jurisdiction or control within 10 years of the entry into force of the Convention for this State (Article 5) a State Party commits to take all appropriate legal, administrative, and other measures, including the imposition of penal sanctions, to prevent and suppress any activity prohibited under the Convention undertaken by persons or on territory under its jurisdiction or control (Article 9).

Verification of Compliance: *Verification:* States Parties are required to report regularly to the UN Secretary-General on all stockpiled mines, mined areas, mines retained for training purposes, destruction of mines, national implementation measures, and measures taken to prevent civilians from entering mined areas (Article 7). If there are concerns about a State Party's compliance with the Convention, another State Party may seek clarification through the UN Secretary-General, and if necessary a special meeting of States Parties could be held for the review of the matter. This meeting may authorize the sending of a fact-finding mission consisting of up to nine experts to the requested State Party with a three to 14-day notice. *Compliance:* On the basis of the mission's report, the meeting of the States Parties may propose corrective actions or legal measures in accordance with the UN Charter.

Distinction from the 1980 CCW: The Mine Ban Treaty prohibits anti-personnel mines only. It does not affect anti-tank or anti-vehicle mines, which are regulated by the 1980 CCW.

Review Conferences: According to Article 12 of the Convention, its Review Conference shall be convened by the UN Secretary-General five years after its entry into force. The first meeting of States Parties was held in Maputo, 3-7 May, 1999; the second meeting of States Parties was held in Geneva, 11-15 September, 2000; the third meeting of States Parties was held in Managua, 18-21 September, 2001; and the fourth meeting of States Parties was held in Geneva, 16-20 September, 2002.

Developments:

2003: The Fifth Meeting of States Parties to the Mine Ban Treaty took place from 15-19 Septem-

ber 2003 in Bangkok, Thailand. Dr. Surakiart Sathirathai, Minister of Foreign Affairs of Thailand, chaired the meeting as President.

One hundred and eleven States participated in the meeting, including 80 States Parties and 18 Non-States Parties. China, the country which has the largest stockpile of landmines in the world, for the first time attended the meeting as an observer. Two hundred and eighty representatives from NGOs as well as mine victims and mine survivors also participated in the meeting. A message from the UN Secretary-General was delivered, in which he strongly encouraged "those states and other partners in a position to do so to provide adequate and sustained technical and financial assistance to states affected by mines."

After the general exchange of views, the meeting reviewed the general status and operation of the Convention. States Parties, observer States and observer organizations exchanged their views and provided updates on the following topics: the general status of implementation; universalization; mobilizing resources; intersessional work programme; coordinating committee; implementation support unit; sponsorship programme, matters pertaining to Article I, II, III, VII and IX; matters pertaining to compliance concerns; dialogue related to the facilitation and clarification of compliance; and the humanitarian impact of mines that may pose similar risks to civilian populations as anti-personnel mines.

States Parties held informal discussions on victim assistance and socio-economic reintegration, mine clearance, mine risk education and mine action technologies, and stockpile destruction.

The States Parties adopted the "Bangkok Declaration" at the conclusion of the meeting. In the Declaration, the States Parties reaffirmed their commitment "to the total eradication of anti-personnel mines and to addressing the insidious and inhumane effects of these weapons."

The States Parties noted the importance of the upcoming First Review Conference in 2004. The meeting warmly welcomed the President's Action Programme as a practical means of focusing the collective efforts of the States Parties and other actors on achieving the humanitarian goal of the Convention in the period leading to the First Review Conference. The Action Programme, which was prepared by the then-President, Ambassador Jean Lint of Belgium and adopted at the fourth meeting of States Parties in

2002, identified objectives and actions to effectively make progress in the period leading to the fifth Meeting of the States Parties.

The States Parties agreed to hold the Convention's First Review Conference at UN facilities in Nairobi, Kenya from 29 November to 3 December 2004 and to hold Preparatory Meetings in the UN in Geneva on 13 February and 28-29 June 2004.

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