On 1 March 1999 the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and their Destruction entered into force, just fifteen months after 122 nations put their signatures to it in Ottawa in December 1997. This culminated the first phase of what has been a remarkable process — from an issue little recognized or understood in the early 1990s, to a full-fledged agreement among states in 1997 to eliminate a whole class of weapons, to entry into force and the First Meeting of States Parties to the Convention in 1999.

Although the debate continues over the degree of importance of non-governmental organizations (NGOs) in this achievement, that NGOs have been central actors, along with governments and international organizations, in the process — from awareness building about the anti-personnel mine (APM) crisis to the actual achievement of the global ban — seems beyond question. With entry into force of the Mine Ban Treaty (MBT), the true test of governments’ political commitment to eliminating APMs and their effects has begun. In this critical implementation phase of the MBT, NGOs will continue to have important roles to play. This paper explores what these roles might be. How will the contribution of NGOs in this phase be similar to that which they have made thus far in this process? How might that contribution be different in this phase? What factors could influence the part that NGOs will play in the continuing effort necessary to achieve a mine-free world?

The Elements of MBT Implementation

Now that the MBT exists and has entered into force, it becomes the chief instrument in the struggle to eliminate APMs worldwide and for overcoming the insidious effects that their proliferation has meant in many parts of the world. Hence, the successful implementation of the MBT’s provisions are critical to the overall contribution which this instrument is going to be able to make towards these goals. Before assessing the roles of NGOs as partners in this implementation phase, it is perhaps useful to remind ourselves briefly of the major intentions and elements of this new Convention because they provide the framework for the tasks ahead.

The MBT aims at nothing less than the elimination of the APM as a weapon of war and terror. Under the “general obligations” outlined in Article 1 of the Convention, each state party undertakes “never under any circumstances: a) to use anti-personnel mines; b) to develop, produce, otherwise
acquire, stockpile, retain or transfer to anyone, directly or indirectly, anti-personnel mines; c) to assist, encourage or induce, in any way, anyone to engage in any activity prohibited ... under this Convention” (Art. 1, para. 1). As has been pointed out by the International Committee of the Red Cross (ICRC), “In ratifying the Ottawa treaty, a country accepts that mines are no longer legitimate weapons to be used either in peacetime or in time of war. There are no exceptions to this rule.”

The Preamble to the Convention also takes note of the states parties’ determination “... to work strenuously towards the promotion of its universalization ... ” and bases the Convention firmly within the principles of international humanitarian law, including “… that the right of the parties to an armed conflict to choose methods or means of warfare is not unlimited.” Although there are the expected provisions for national withdrawal from the Convention, Article 20 places severe limits on this. Language has also been included that makes explicit that any withdrawal does not “in any way affect the duty of States to continue fulfilling the obligations assumed under any relevant rules of international law”. Article 20 also makes the Convention of unlimited duration. States joining the Convention must join unconditionally; Article 19 permits no reservations.

Each state party to the MBT is obliged to destroy its stocks of APMs within four years of entry into force of the Convention for the state party (Art. 4), with the exception of the possibility to retain a number of APMs “not to exceed the minimum number absolutely necessary” for the purposes of “development of and training in mine detection, mine clearance, or mine detection techniques” (Art. 3, para. 1). The only other exception in the Convention permits the transfer of APMs for the purpose of their destruction (Art. 3, para. 2). The Convention also obliges each state party “to destroy or ensure the destruction of all anti-personnel mines in mined areas under its jurisdiction or control” no later than ten years after entry into force of the Convention (Art. 5, para. 1).

Articles 7–13 of the Convention provide a variety of mechanisms aimed at promoting compliance, including transparency measures, facilitation and clarification of compliance procedures, dispute settlement processes, and mechanisms for meetings of the states parties and for review and amendment of the Convention. Instead of intrusive verification procedures, the Convention relies heavily on the stigmatization of APMs and on mechanisms that are intended to encourage cooperation.

Article 9 obliges each state party “to take all appropriate legal, administrative and other measures, including penal sanctions, to prevent and suppress any activity prohibited to a State Party under this Convention undertaken by persons or on territory under its jurisdiction or control.”

Finally, the Convention explicitly recognizes that the landmine problem will not cease with the implementation of its prohibitions on the production, stockpiling, transfer and use of APMs. Article 6 outlines the necessary commitment and the required assistance for effective mine clearance, mine awareness, care and rehabilitation of mine victims and their social and economic reintegration.

The International Campaign to Ban Landmines as a Key NGO Actor

These elements frame the commitments to effective mine action to which some 135 states had signed up or adhered and which had entered into force for eighty-six nations through their national ratification processes by mid-September 1999. NGOs were instrumental in helping to shape these required mine action elements. The Convention recognizes this contribution in following passage in the Preamble: “Stressing the role of public conscience in furthering the principles of humanity as evidenced by the call for a total ban of anti-personnel mines and recognizing the efforts to that end
undertaken by the International Red Cross and Red Crescent Movement, the International Campaign to Ban Landmines (ICBL) and numerous other non-governmental organizations around the world”. NGOs will also play important roles in seeing that these international obligations are fulfilled. Unusually for an international convention, the MBT also takes note of the important partnership role to be played by NGOs in implementation — alongside governments, the United Nations system, international and regional organizations, and the Red Cross and Red Crescent Movement. The reference to this in the Convention relates to the role of NGOs in programmes for the care and rehabilitation of mine victims and their social and economic reintegration, mine awareness programmes, and programmes for mine clearance and related activities (Art. 6, paras. 2, 3 and 7).

Central to the catalytic role that NGOs played in the international movement for a global ban has been the ICBL. Although a full analysis of the evolution of the ICBL and the role it has played to date is not the focus of this essay, a number of factors about the ICBL should be noted. Local, national and international NGOs, both those within the ICBL and those that are not formally a part of the Campaign, will be actors in the effort to successfully implement the MBT. But the ICBL, as an actor in its own right, will continue for the foreseeable future to represent for publics, governments and international organizations alike the face of civil society in the landmines struggle. To the extent that the factors outlined here continue to have validity, they will have an impact, either positive or negative, on the overall part that NGOs will play in this implementation phase.

First, crucial to the influence of the ICBL has been the expertise and the experience with landmines and their effects of some of its key members organizations. In civilian mine clearance and victim assistance concerns, NGOs are often the experts, based on years of field experience. This has given credibility and moral weight to the voice of the Campaign in the eyes of the public and vis-à-vis governments. Second, from its initial six organizations, the ICBL has grown into an international coalition of over 1,000 human rights, humanitarian, peace, disability, medical, de-mining, arms control, religious, environmental, development and women’s groups in over seventy-five countries. The ICBL’s effectiveness has been based in its ability to build on the wide range of contributions possible from this diverse membership and, in doing so, to be creative and innovative in both its message and action. Third, despite its diversity and the relatively decentralized and limited nature of the Campaign structure as a whole, there has been an ability to remain focused and to offer a generally united front on landmine-related issues. Additionally, there has by and large been a willingness within this broad coalition to accord its international leadership the right to speak on behalf of the Campaign as a whole. This was very important in creating the strong presence of the ICBL at international conferences and meetings and as a negotiating party to be reckoned with. Hence, the ICBL was perceived to speak to a large extent with one voice. Government interlocutors knew who they were talking to and what they were dealing with. This was pivotal in their allowing NGOs into the informal and formal political processes that led to the completion of the MBT. In fact, despite the large number of member organizations and the slice of international public opinion that the ICBL has come to represent, the number of people acting at the international level in the name of ICBL has been quite small. This facilitated the unique forms of collaboration between key governments and the ICBL at critical phases in the evolution of the MBT.

Finally, the ICBL to date has largely succeeded in acting both as “prophet” and “pragmatist” in the landmines struggle. Both the ICBL and the ICRC have sought in their various activities to keep the landmine victim as the focal point of the political deliberations. They thus became the consciences of the Convention in the making, testing each proposal against its likely impact on reducing civilian casualties. This helped to strengthen the hand of governments under heavy pressure to weaken the
Convention. This same vision has meant that, even as it supports the full implementation of the MBT, there are elements of the Convention with which the ICBL is not satisfied and on which it continues to speak. As “prophet”, therefore, the ICBL managed to maintain the important independent advocacy role that NGOs must play in social change. Nevertheless, the political sense of the ICBL leadership was also astute enough to be able to measure where compromise would be necessary in order to achieve the important norm that a ban treaty would establish. As “pragmatist”, for example, the ICBL gave way on such issues as the question of the non-inclusion in the Convention of anti-handling devices fitted on anti-tank mines, and to weaker provisions for treaty verification and compliance than it would have preferred, in order to achieve the widest possible number of countries willing to join the MBT from the outset. 4 Although there are some within the Campaign who have argued that the ICBL sold out in doing this, the achievement of the MBT would probably not have been possible without this pragmatism.

**NGO Roles in the Implementation of the MBT**

**Universalizing the Convention**

One of the continuing criticisms of the MBT is that a large number of states have not yet signed up to the Convention and are unlikely to do so in the near future, including major countries like the United States, the Russian Federation, China, India and Pakistan. Countries in the Middle East, for example, remain for the most part outside the MBT. Some argue the Convention will be a weak instrument as long as major states and such numbers of states remain outside.

Clearly, the larger the number of countries joining the MBT and adhering to its provisions, the more quickly the principles enshrined in it will move into being considered customary international law, and effective action can be taken to clear mines and meet the needs of those victimized by mines. But the glass is more than half full. The already large number of signatory states to the MBT and also the large number of states that have ratified have been noted above. Not only has the MBT entered into force more quickly than any other major international convention, but also the force of this new international norm is already being felt in the actual behaviours of even non-member states. As the first annual report of the important NGO Landmine Monitor has pointed out, the larger recalcitrant states have indicated their general concurrence with the goal of the elimination of landmines, the actual incidence of new mines being laid appears to have dropped — as has the number of APM producer countries, and the export of mines has virtually stopped. 5 While this is not reason for complacency, as Richard Price has pointed out in his important study, “… the measures taken even by many resistant states demonstrate that transnational civil society has precipitated a rapid and widespread acceptance of the legitimacy of a new norm.” 6

In the months and years ahead, NGOs can be expected to continue working towards the universalization of the MBT. They will do this, as they have in the past, through such activities as meetings aimed at addressing the special concerns and needs of particular regions or countries; through supporting the development of new campaigns or the strengthening of existing campaigns in countries thus far outside the Convention; through regional seminars such as those sponsored by the ICRC designed to address issues concerning the military utility of APMs; and by activities aimed at
supporting the early ratification of the MBT by signatory states. NGOs can be expected to continue to support the evolution of de facto universal adherence to the MBT’s principles by publicly condemning and stigmatizing any evidence of breach of the MBT by any actor, state or non-state, inside or outside the Convention.

The ICBL can be expected to resist any effort that it sees as weakening this global trend towards de jure and de facto universalization of the MBT. Hence, contrary to the arguments made by some significant states parties to the MBT that the negotiation of a ban on APM transfers in the Conference on Disarmament would be an important way to move currently reluctant states towards adherence to the total ban intentions of the MBT, the ICBL opposes this move. As it has noted, “Governments, or non-state actors, cannot be expected to adopt the mindset that AP mines are unacceptable if there is a menu of options to choose from ...”7

ENSURING COMPLIANCE

Of central importance to the impact of the MBT will be how fully states parties and non-states parties alike actually adhere to the norm banning the use, development, production, stockpiling and transfer of APMs. A measure of this will be how quickly and how well states move to actually implement the steps required of them by the Convention, such as the destruction of stockpiles and the clearance of mined areas, the submission of required transparency reporting, and the passage of national implementation measures. The humanitarian impact of the MBT will be also judged by how well states parties meet their commitments under Article 6 to provide assistance to needy states parties and to meet their own compliance obligations, as well as their commitment to mine clearance, mine awareness and victim assistance programmes. The MBT’s measures for transparency (Art. 7), facilitation and clarification of compliance (Art. 8), and settlement of dispute (Art. 10), regular meeting (Art. 11) and review conference (Art. 12) are all designed to encourage compliance. But because of the nature of landmines, highly intrusive verification procedures were considered by the drafters of the MBT to be impractical, too costly, and probably not politically acceptable. Hence, the modest compliance mechanisms of the Convention, emphasizing transparency and confidence building, rather than more intrusive mechanisms, represent a potential limitation of the MBT. (See the article by T. Findlay on verification in this issue.)

“Civil society” will therefore have an important role to play in assisting in the monitoring and public reporting of states parties’ actual compliance to the Convention’s provisions, despite the fact that NGOs have not been given any formal role in triggering the “request for clarification” provisions of the Convention. We have already taken note of this independent role of NGOs in the strengthening of the international landmine ban norm. “Whistle blowing” and compliance performance measures will therefore be important contributions of NGOs to ensuring state compliance with the intentions of the MBT. It is to this end that the Landmine Monitor Project of the ICBL takes on special importance. Landmine Monitor’s annual reports will provide, for example, information on every country in the world on such things as levels of compliance with the ban norm on landmine use, development, production, transfer and stockpiling; degree of stockpile destruction; whether a state party has passed the national implementing legislation required by the Convention and an assessment of that legislation; levels of funding for humanitarian mine action; measures of humanitarian mine action and survivor assistance needs; and assessments of programmes undertaken. As Vines and Thompson have noted, “The establishment of a civil society-based monitoring network for an international agreement is
unprecedented. While NGOs and research institutes have for years monitored compliance with treaties, individually and informally, this is the first attempt to create a systematic, global, NGO monitoring network.\textsuperscript{8} The first Landmine Monitor Report, all 1,100 pages of it, was presented to delegates at the First Meeting of States Parties in Maputo in May as an “early warning” of what can be expected from NGOs in this monitoring role in the years ahead.

PROMOTING STANDARDS AND LEVELS OF SUPPORT FOR EFFECTIVE CLEARANCE, MINE AWARENESS AND VICTIM ASSISTANCE PROGRAMMES

In terms of the expected impact of the Convention in overcoming the problems of APMs, of equal importance to the successful implementation of its ban provisions will be the effectiveness of programmes set in place to clear the millions of mines already laid, to protect civilian populations from existing mines and to deal with the needs of individuals and regions affected by the use of mines in war. The Convention is unique in the holistic and explicit way in which it takes into account the importance of such action linked to an arms ban itself.

It was primarily organizations with long experience in the humanitarian and mine clearance dimensions of mines work that launched the international effort to ban landmines. It is in the areas of mine clearance, mine awareness and victim assistance that NGOs are likely to find their greatest role in the implementation phase. As major implementers of such programmes themselves, NGOs will continue to be affected by the decisions regarding resource allocation by governments and international organizations. But it is exactly in these areas where NGOs are in a position to play important standard-setting and policy-shaping roles in their relationships and partnerships with governments and the mine-related bodies inside the United Nations system, and to influence the nature and levels of financing.

It is still early in this aspect of the implementation of the MBT. There is much opportunity as well as some danger in the present moment. For example, at the signing conference in Ottawa in December 1997, some $500 million was pledged by governments for mine-related work. The extent to which the nature of available resources and the competition for those resources — in a policy area which has currently a certain fashionable attraction — could distort the nature of the work undertaken and in effect ignore or undermine the evolution and application of the broader principle objectives for mine action which are emerging is a matter of some concern. Guaranteeing the effective allocation of these resources and sustaining international commitment to providing them for as long as it takes to get the job done become particularly important challenges for the present moment.

Thus, the standard-setting role of NGOs assumes a special importance. For example, it is out of a concern over the misdirection of mine clearance resources that three of the key mine clearance NGOs — Handicap International, the Mines Advisory Group and Norwegian Peoples Aid — jointly formulated a set of humanitarian mine action principles to guide mine clearance decision-making (see article in Open Forum by Bill Howell). These include such things, for example, as “the need for objective analysis of the requirements of affected communities, and the structuring and conduct of operations to meet these requirements”; “the need to take account of cultural sensitivities”; “the need to avoid impractical, quick-fix solutions”; and “the commitment to the continued development of existing methods and to continued improvement of quality”.\textsuperscript{9} In a similar effort towards holistic
approaches to victim assistance programmes, the Working Group on Victim Assistance of the ICBL has recently prepared “Guidelines for the Care and Rehabilitation of Survivors”. The monitoring of governmental and international organization programmes and allocation of resources, which NGOs can provide for example through the Landmine Monitor Report, will also be an important contribution of NGOs in the period ahead.

New opportunities for direct engagement and partnership by NGOs with official institutions are emerging, in part because of the persistence of NGOs themselves in encouraging this. For example, the insistence by experienced demining NGOs on the basic requirement for accurate data about the realities of the landmine pollution problem has resulted in an important partnership among NGOs, the United Nations Mine Action Service (UNMAS) and donors. As noted in a recent United Nations publication, “The Global Landmine Survey Initiative provides the latest illustration of how far the United Nations and NGOs have moved towards working closely together in a spirit of trust and mutual respect. In a unique cooperative effort, NGOs, UNMAS and key donors have established an institutional mechanism specifically designed to facilitate the coordination of resources and expertise required to implement Level One Surveys worldwide.” The ICBL is now included in the United Nations Steering Committee on Mine Action, which promotes coordination and integration of mine-related activities in the United Nations system. The Geneva International Centre for Humanitarian Demining, a newly founded body established as a Swiss initiative that will offer a broad range of services relevant to the mine action challenges ahead — including to the Convention’s intersessional work programme, has recently added an Advisory Board made up of international humanitarian mine action experts from the NGO world.

It is important not to overestimate the degree of coordination and partnership among mine action actors at this point in time or to underestimate the difficult challenges that exist in doing this well. This is as true within the United Nations system itself and among NGOs as it is between NGOs and official institutions. The above examples are only illustrative of directions and possibilities for NGO contributions in the period ahead on the mine clearance, mine awareness and victim assistance imperatives that are before us. Perhaps one of the most important of these possibilities is the intersessional work programme established by the First Meeting of States Parties to the MBT, which we now turn to.

The Contribution of Maputo

The Ottawa Process broke new ground in the involvement of NGOs in an international arms-related negotiating process. The “Core Group” of governments that led this process actively and deliberately included the ICBL and the ICRC in the strategic steps it took leading up to the Oslo negotiations in September 1997. And at Oslo both the ICBL and the ICRC were involved as observer delegations. This vital partnership continued up to entry into force on 1 March 1999, and in the preparations for the First Meeting of States Parties in May 1999 in Maputo.

In Maputo, the perceived key role for NGOs in the successful implementation of the MBT was built into the very structure of the meeting. NGOs were encouraged to attend and were there in large numbers. Although a meeting of States Parties, it more than lived up to the intentions of Article 11, paragraph 4 of the MBT, which confirms that “States not parties to this Convention, as well as the United Nations, other relevant international organizations or institutions, regional organizations, the
International Committee of the Red Cross and relevant non-governmental organizations may be invited to attend these meetings as observers... “The process of the meeting reflected what had been so essential in the movement towards the ban — the creative partnership among governments, international organizations and NGOs. In doing so, it modelled for the period ahead the continuing relevance of this “triad” of actors if the MBT is to be successfully implemented.

One of the important results of the First Meeting of States Parties was the reiteration of and recommitment to the principles and purposes of the MBT, voiced in the “Maputo Declaration”. The very first paragraph of this Declaration affirms the perception of the essential triad of actors in the mines struggle: “We, the States Parties to the Convention ... together with signatory States, are gathered in Maputo, Mozambique, joined by international organizations and institutions and non-governmental organizations, to reaffirm our unwavering commitment to the total eradication of an insidious instrument of war and terror: anti-personnel mines.”

In concrete terms, the most significant result of the Maputo Conference was the creation of an intersessional work programme. To again quote the Declaration, “This will enable us to focus and advance our mine action efforts and to measure progress made in achieving our objectives. This work will be based on our tradition of inclusivity, partnership, dialogue, openness and practical cooperation. In this regard, we invite all interested governments, international organizations and institutions and non-governmental organizations to join us in this task.” The mandate of the intersessional mechanism includes “Facilitating and supporting the effective functioning of the Convention as an instrument of Mine Action by maintaining practical work at a high level and with particular emphasis on international cooperation amongst governments, international organizations and non-governmental organizations.”

The creation of this intersessional mechanism is a clever and creative attempt to provide an additional means for holding states to their commitments under the MBT. Its origins lie in the Core Group of states similar to those that were so instrumental in the Ottawa Process. Government/NGO dialogue during the lead-up to Maputo also encouraged the sponsors of this idea.

The intersessional mechanism is made up of five Intersessional Standing Committees of Experts (ISCEs) that cover the key themes of mine action: mine clearance; victim assistance, socio-economic re-integration and mine awareness; stockpile destruction; technologies for mine action; and general status and operation of the Convention. These ISCEs will formally meet twice in the period leading up to the next Meeting of States Parties, with informal meetings a regular feature so far. As noted in the Declaration, “This intersessional work will, inter alia, assist us in developing, with the United Nations, a global picture of priorities consistent with the obligations and time-frames contained within the Convention, including with regard to international cooperation and assistance.”

This is a pioneering enterprise. What the intersessional process offers is the potential for strengthening the positive trilateral relationship among NGOs, governments and the United Nations system in mine action. Handled creatively by all parties, this positive feedback potential could provide considerable momentum to the strengthening of the global mine ban norm and to the development of principled mine action programmes. Because it is a new process, there is open space at the moment for NGOs to get involved at the ground level. Its emphasis on inclusivity offers NGOs a tremendous opportunity to help shape the agenda for international mine action and stimulate its pace. Its emphasis on openness gives national and local NGOs another means by which to hold their own governments accountable.

The ICBL has had Working Groups on Mine Action, Victim Assistance and the Treaty since February of 1998. These Working Groups overlap conveniently the subject areas of the ISCEs. In order to effectively engage this intersessional process and maximize its input into it, the ICBL at its General Meeting in Maputo following the First Meeting of States Parties created a new staff position
to liaise with the ISCEs and created an Advisory Group made up of the chairs of these Working Groups, the staff person and a Geneva contact (as the ISCEs will meet in Geneva). It is hoped that this will prove an effective vehicle to enable ICBL member organizations and others to engage in the ISCE process directly. What this will mean for the ICBL is that, in order to do this effectively, it will not only have to be devoting an even greater effort to engagement with official international structures but it will also have to expand the number of individuals charged with doing this work. Part of the task will be alerting ICBL constituencies around the world as to the potential for reinforcing their own work that this vehicle offers and engaging their involvement in it.

**Additional Challenges Ahead**

A number of additional issues that will be factors in the ongoing contribution of NGOs in the struggle to eliminate landmines and overcome their effects should be briefly mentioned.

**No international treaty satisfies everyone**

The MBT is no exception. It too is a product of compromise and it has its weaknesses. In the negotiations it proved possible to remove the word “primarily”, which had crept into Amended Protocol II of the Convention on Certain Conventional Weapons, from the definition of anti-personnel landmine, hence eliminating the possible ambiguity which that word introduced. However, ambiguity was then re-introduced into the definition by the addition of the sentence “Mines designed to be detonated by the presence, proximity or contact of a vehicle as opposed to a person, that are equipped with anti-handling devices, are not considered anti-personnel mines as a result of being so equipped” (Art. 2, para. 1). This raises two possible problems.

First, the Convention does not define “vehicle”, opening up the possibility that mines designed for use against light-weight vehicles could behave very much like APMs and yet not be specifically prohibited under the Convention. Mines currently classified as APMs which have anti-vehicle capabilities could be reclassified as anti-vehicle mines and therefore be considered to fall outside the Convention’s prohibitions.

Second, although “anti-handling device” is defined in the Convention as a device “intended to protect a mine and which is part of, linked to, attached to or placed under the mine and which activates when an attempt is made to tamper with or otherwise intentionally disturb the mine” (Art. 2, para. 3, emphasis mine), it is argued by some that there is insufficient specificity in this definition to reduce fears that innocent civilians will continue to be affected adversely by the presence of such devices. Although ICBL observers in the Oslo negotiations felt that they had extracted a concession in the negotiations (to be included in the diplomatic record of the Oslo conference) implying a general agreement that any explosive device that acts like an APM is an APM and is therefore prohibited by the Convention, the decision to include definitions based on “design” rather than on “function” is seen by some critics as opening a worrying legal loophole.16

Now that the MBT has entered into force, it can be expected that these issues will now return to the fore in the advocacy work of the ICBL (as well as in the internal debates within the Campaign). It can be expected that NGOs will raise these issues in their campaigning activities generally and in the Landmine Monitor Report, as well as in the context of the ISCE on General Status and Operation
of the Convention, in the annual meetings of States Parties, and in the First Review Conference to be held in 2004.

The ICBL has expressed other concerns about ambiguities or lack of explicitness in the MBT, which could lead to breaches in the spirit if not the letter of the MBT. One such concern relates to the need for greater explicitness about which types of mines and anti-handling devices and which deployment methods are permissible and which are not, and the use with anti-vehicle mines of such things as tilt rods, tripwires, breakwires or sensitive magnetic influence fuses that can lead to an explosion by an individual’s innocent act. The ICBL has also raised questions about the participation of states parties in joint military operations with a non-signatory party that continues to use APMs, about the storage and transit of APMs by non-signatory states on the territory of signatory states, and about the issue of the right to retain an unspecified number of APMs under Article 3 of the MBT for training purposes. It can be expected that the ICBL will press these issues home in the period ahead.17

UNEXPLODED ORDNANCE

An issue that was purposefully left out of the campaign has been the one of unexploded ordnance (UXO) caused by the use of cluster weapons. Although UXO behave similarly to APMs when stepped on and cause similar problems, the strategic decision to leave these out so far has been a correct one. However, as the use of cluster bombs in the recent war in Kosovo and the resultant UXO problem have demonstrated, this is an issue that will increasingly cry out for attention. Having been very much a single-issue campaign up until now, the ICBL will have to wrestle with how it will respond to a growing call for action on UXOs.

A STATE COMMITMENT

The MBT is a commitment by states. The nature of armed conflict in our world, however, increasingly involves what have come to be called “non-state actors”. Such non-state groups also use APMs. As the Non-State Actors Working Group of the ICBL has pointed out in a recent report, “Armed conflicts in no less than thirty countries make it clear that an inter-state ban alone is insufficient to stop landmine production, trade, transfer, stockpiling and use.”18 Considerable work has gone on already to broker agreements with non-state groups in conflict settings. For example, one reported agreement between government forces and a guerrilla group to end the use of landmines in the conflict is between the Government of Sudan and the Sudan People’s Liberation Army, apparently made to the United Nations Secretary-General’s Special Representative on Children and Armed Conflict in March of this year.19 While APMs continue to be used by armed non-state groups, the process of universalization of the mine ban will be slowed and the achievement of a mine-free world further delayed. As the MBT takes hold and its real benefits begin to be felt, attention by governments, international organizations and NGOs on this problem area can be expected to increase.20

While APMs continue to be used by armed non-state groups, the process of universalization of the mine ban will be slowed and the achievement of a mine-free world further delayed.
The organization of the ICBL

The very nature of what is to be done in the implementation phase will require shifts in how the ICBL organizes itself and its work. A key motivating and unifying ideal of the first phase was the time-bound goal of achieving a MBT. Today there are multiple goals, most of which do not lend themselves to “fast track” solutions. The kind of international campaign strategies necessary for creating the ban treaty and getting it into force are rather different from what is required of the ICBL and NGOs in general in this phase. Different forms of collaboration and work appropriate to achieving these goals are likely to be seen as necessary, perhaps even outside the ICBL itself. For example, the Landmine Monitor project, although officially a project of the ICBL, is independently funded and its work is undertaken on behalf of the Campaign as a whole by five key organizations. We have already taken note of the new structure being put in place to organize the ICBL’s involvement in the intersessional work programme of the MBT. Other changes away from the informal, decentralized structure of the ICBL — so appropriate to the pre-Convention phase — may be required for the ICBL to have similar effectiveness in this phase. For some of what needs to be done, new partner organizations may need to be incorporated. For example, NGOs that have special skills in the area of conflict management and transformation may become very relevant to re-integration programmes in post-conflict peacebuilding work in mine-affected regions. One severe challenge for NGOs while there is still so much work to do is how to sustain the kind of commitment and enthusiasm that has characterized this global movement in the 1990s and, equally crucially, how to keep donors on board. Victory for phase one has been declared. We are only at the start of phase two. The skill that the ICBL demonstrated in the first phase in being creative and focused will be even more necessary in this phase.

The root causes of conflict

From hindsight it is possible to see more clearly a contextual factor that played very little role in the pre-Convention period but which is likely to be of increasing importance if the Convention is truly to have the impact intended. The use and abuse of landmines emerges from a context only part of which has to do with the availability of this terror weapon. Of much greater importance are the root causes of conflict and war between peoples and states. Only when these are effectively addressed will it possible to end the use of this weapon. As Thomas Gebauer of Medico International, one of the founding organizations of the ICBL, has said: “The question of how to eliminate landmines is indeed a strategic question. In order to give an answer, we need to focus on the context of mines, on war and social injustice … . We are convinced that each and every mine has to be de-mined but at the same time we know that the mines will disappear only when the circumstances dominating the world are — after all — determined by social justice, when health, education, self-determination and liberty are more than only rhetorical phrases.”21 The true possibility of getting to zero landmines will demand increasing attention to this broader understanding by governments, international organizations and NGOs alike.

Conclusion

This essay has been but a speculative overview. Much has been dealt with far too briefly. One feature of the contribution of civil society that has been very cursorily covered here has been the role
of the ICRC, which has either been left out because attention has been focused on the ICBL or it has been lumped into the NGO category with only summary references. A proper study detailing the role of the ICRC in both phases needs to be done. What I hope I have demonstrated, however, is that the role of NGOs in this implementation phase of the MBT will be every bit as important to the eventual elimination of this terrible weapon and the overcoming of its insidious effects as was the case in the achievement of the MBT itself. In the end, of course, the only true measure of the MBT’s success will be the minimalization of mine-use incidents, substantial reductions in the numbers of new mine victims, significant growth in the number of mine survivors assisted, and mine-affected communities and areas successfully restored to social and economic health. The challenges are many, but so are the opportunities. And the prize — a mine-free world — is now so much more closely in sight and deserving of the struggle.

Notes

1 A number of names have come to be used for this Convention, including “Ottawa Convention” and “Mine Ban Treaty”. In this essay, the term “Mine Ban Treaty” or simply “the Convention” will be used.


4 These points are elaborated further in Atwood, 1998.


6 Price, op. cit., p. 637.

7 “Antipersonnel landmines and the Conference on Disarmament”, International Campaign to Ban Landmines, February 1999, p. 3.

8 Vines and Thompson, p. 22.


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13 Ibid., p. 3.
15 APLC/MSP/1/1999/L.6, 3.
16 For a particularly strong expression of concern about these issues of definition, see the Discussion Paper “Definitions and Anti-Handling Devices” prepared by one of the world’s leading de-mining organizations, the Mines Advisory Group, 31 August 1997. See also, Nicola Short, op. cit. 1998.
17 For further explanation of these concerns, see Landmine Monitor Report 1999 (Executive Summary), p. 9–11.
19 Ibid., p. 11.
20 For a useful elaboration of steps that could be used to bring non-state actors into compliance with the norms of the Convention, see Richard Price, “Compliance with International Norms and the Mines Taboo”, in Cameron, Lawson and Tomlin, op. cit., p. 343–45.