The Ottawa Convention in Perspective

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Barlow: The Ottawa Convention in Perspective

Communication, Coordination and Consensus

A third effect of the APMBC is that it has focused much attention and facilitated much action on the activities and functions of what we have come to call "mine action." Without the meetings of the International Workgroups, steering committees, the submission of reports and presentations, many governments, non-governmental organizations (NGOs), donors, and the United Nations would not have been able to define and propose action plans to address the wide scope of mine action challenges. The pure act of having real-time discussions among groups that might ordinarily never see one another, much less engage in dialog, has led to new partnerships, new approaches to mine action activities, and if not always a clear consensus, then at least a greater understanding of the problem and an awareness of others engaged in the effort. The fact that national governmental agencies of countries at risk are routinely coordinating with NGOs, visiting military, the United Nations, regional organizations and donor countries is truly amazing. The meetings of the various venues of the APMBC provide a good sounding board in which ideas compete for attention and gener-al approval.

Restriction of NJPs by the Convention on Conventional Weapons

On the other hand, the APMBC is not the only international instrument to restrict the use of anti-personnel landmines, but for some reason, many "Mine Ban Treaty" advocates often fail to add the authority of Protocol II of the Convention on Conven-

Seldom has a name caused such polarity among like-minded people, in this case those concerned about mine action. The Anti-Personnel Mine Ban Convention (APMC) of 1997, commonly called the "Mine Ban Treaty," or more often the "Ottawa Treaty," is loved by some—loathed by others. To some it is the lynching of mine action, in the sense of putting a stop to anything for which they have a problematic moral stance. To others it is a distraction from pragmatic mine action challenges. Some will not take action against mines without "it" being invoked, others will not take action if "it" is not invoked.

As an American involved in the mine action community, being a citizen of a non-signatory to the convention, I often feel the sense of Ottawa boomer. Usually this comes in the form of icy silence (I am often given the role of the invisible Man at APMBC-related gatherings), and sometimes via obstructionism. But as the director of a global outreach center, I also observe the disdain of "Ottawa" Euros who seem to have little time for reflection on the benefits of the convention.

As we approach the review of the APMBC, I think it is time to take a forthright look at it and have the courage and good sense to accept it for what it is and does—and what it is not and does not do.

The Stigma of Landmine Use

The "Mine Ban Treaty" has certainly changed the perspective, use, and transfer of landmines. The public’s knowledge about the latest landmine threat has, to some degree, been engendered and facilitated by the APMBC. But even among policy makers and the international community, there is no doubt that the issue of anti-personnel landmines has come to the fore largely because of the dialogue, meetings, discussions, and provisions of the convention and that the doctrinal and conventional use of landmines has been dramatically reduced because of the stigma attached to them. This is not small fear and provides a global mindset within which mine action can now effectively take place.

Stockpile Destruction

Another clear benefit of the APMBC is that it has provided a finite, acceptable and measurable way to destroy stockpiles of anti-personnel landmines. We need not assume that all landmines that have thus been destroyed were viable or that all landmine stocks have been accurately accounted for. The salient fact is that massive numbers of landmines have been systemat-ically destroyed and that national programs have, if not always successful, but have facilitated the coordination of complementary humanitarian efforts within some countries. Indeed the use of some military organizations to carry out the destruction of landmine stockpiles has enhanced their role in humanitarian efforts.

by Dennis Barlow, Director

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tional Weapons (CCW) to the weight of the Ottawa Treaty. The fact is that the attempt at reinterpretations of Ottawa provisions suggests several gaps, such as definitive guidelines for the use of anti-handling devices (which may actually be anti-personnel landmines), the use of cluster bombs, remotely triggered anti-personnel landmines and other "area denial" measures to include chemical, microwave and acoustic weaponry. The CCW prohibits the use of landmines, that do not have effective self-destructing, or self-deactivating mechanisms, prohibits the employment of mines in any populated area not involved in combat operations, and requires that all APL contain at least eight grams of metal so that they can be easily detectable.

The Capacious Nature of the Ottawa Process

One of the great strengths of the APMBC is its one of its great weaknesses. The inclusion of so many voices of so many interested parties, leads to various disjointed situations. With NGOs playing such a key role in modeling and selling the treaty, they necessarily have a large role in maintaining its momentum. Yet sovereign states, which are required to implement the treaty, often feel "directed" by ad hoc structures, committees and treaty machinery headed by NGO activists. This has caused some friction and some confusion when it comes to knowing who "owns" the treaty and who has authority to enforce it. The role of non-signatories, who are now urged to participate in Mine Ban Treaty activities, and non-state actors, who comprise the largest segment of the APL users in today's world, have further blurred specific treaty provisions and responsibilities.

Universalization—"To What End?"

One stated goal of the "Ottawa Process" advocates is to make its provisions universally accepted and respected. One sometimes wonders if this enabling goal has not achieved the status of substantive goal, which may result in stressing bureaucratic or political objectives in favor of achieving actual mine action operation results. In much the same way that new converts to a religion are often exhorted to proselytize, new mine action programs and "believers," are sometimes targeted first to subvert the cause of the Mine Ban Treaty. Thus, before settling down to the business of mine action plans, they often undertake a priority mission of educating national officials and agencies about the importance of accepting and promulgating the APMBC. While this may help motivate mine action workers and officials, it may also sap energy from operational initiatives and dilute effectiveness. But perhaps the worst spin-off of universalization is that it has exacerbated a "zero-sum" game between signatories and non-signatories.

Inclusions, Not Exclusions

We, at the Mine Action Information Center, think it is time for the APMBC negotiators to give the convention an honest appraisal. In addition to the benefits mentioned above, we point out the recent trend of the implementers of the convention to include non-state parties as participants in meetings and discussions. We observe convention officials discussing and facing up to difficult questions such as how to deal with the landmine threat from non-state actors. We applaud the convention's recognition of de facto adherence to the convention by some non-signatories.

But the Anti-Personnel Mine Ban Convention is a tool; it is not holy writ. To the extent that it helps ameliorate the effects of anti-personnel landmines it is a very positive and useful tool. But it should be used in conjunction with other tools, like the CCW, to increase its effectiveness, and its advocates need to remind themselves that it is the results, not the process that is important. Self-examination seldom produces an environment of mutual respect and cooperation. We hope that as the "Ottawa process" is reviewed and renewed, the APMBC takes as its goal the actual effectiveness in reducing human misery and not in its exclusivity.