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, serving 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 dialogue, has lead to new partnerships, new approaches to mine action activities, and if not always a clear consensus, 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 general approval.

Restriction of NPLs 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-
tional Weapons (CCW) to the weight of the Ottawa Treaty. The fact is that the attempt at interpretations 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 Cacophonous Nature of the Ottawa Process

One of the great strengths of the APMBIC is 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 of momentum 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 negleg to participate in Mine Ban Treaty activities, and non-state actors, who comprise the largest segment of the APL actors 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 a substantive goal, which may result in stressing bureaucratic or political objectives in favor of achieving adequate mine action operation results. In much the same way that new converts to a religion are often educated to proselytize, new mine action programs and "believers," are sometimes tasked 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 publicity mission of educating national officials and agencies about the importance of accepting and promoting the APMBIC. 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 "welfarist" gulf between signatories and non-signatories.

Inclusiveness, Not Exclusiveness

We, at the Mine Action Information Centre, think it is time for the APMBIC detention 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 adherents 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-evidently, usefulness seldom produces an environment of mutual respect and cooperation. We hope that as the "Ottawa process" is reviewed and renewed, the APMBIC takes at its goal the actual effectiveness in reducing human misery and not in its exclusivity.

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Submission Guidelines (Preference will be given to articles meeting the submission guidelines):

• Articles must be 1500-3000 words, submitted in digital format (i.e., Microsoft Word .doc). DO NOT EMBED photos in article.

• ALL ARTICLES MUST CONTAIN A TITLE, AUTHOR and the AUTHOR'S FULL CONTACT INFORMATION at the end of the article.

• Images may be sent as originals or scanned at 300 dpi and submitted on CD or Zip disk. ALL PHOTOS MUST CONTAIN CAPTION and CREDIT INFORMATION.

• Line art, graphics and charts should be scanned at 600 dpi or better.

• Orginal photos and graphics are encouraged and will be returned. (Please do not embed images into documents, as the resolution becomes unusable for printing.)

Issue 8.2 Deadline August 23, 2004

The Journal of Mine Action is soliciting articles for its new Research, Technology and Development section, which will appear every issue in the JMA. All articles on current trends and developments in R&D will be considered for this new section. Topics will include but not be limited to:

Detection and Neutralization

Mechanical Equipment

Manual Equipment

Data Fusion

Bionizers (to include dogs, rats, bees)

GIS, Mapping and Terrain Analysis

Personal Protective Equipment

Demining Tools

Metal Detectors

Needs of Users

Lessons Learned in the Field

Test and Evaluation

Information Technology

Mine Detection Test Facilities

Landmines, ERW and Ordnance

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