INTRODUCTION
The indiscriminate and irresponsible use of anti-personnel landmines (APMs) over the past fifty years has created a legacy of suffering and instability that those most affected are ill-equipped to deal with. The individual tragedy of each landmine victim has wider implications for the rebuilding and socio-economic development of a country years after the end of conflict: individuals become incapacitated and a burden on their families and communities, health facilities are placed under strain, large tracts of land and infrastructural sites are inaccessible, and refugees are unable to return to their land.

The international debate over this issue has been mounting for years. One of the major problems for its inclusion in formal discussions has been the duality with which it can be interpreted. Namely, is the landmine issue a security matter with a humanitarian dimension, or the other way around?

In the last few years, the negative effects of landmines have been heightened with the review of the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects (CCW), the launch of the Ottawa Process, and the activities of the International Campaign to Ban Landmines (ICBL).

For those international actors who approach the issue from a security perspective, the natural forum for discussions of some type of restraint on the use of anti-personnel landmines is the Conference on Disarmament (CD) at the United Nations. The landmine issue has also been discussed within other formal and informal international forums, such as the CCW, the Ottawa Process, and the ICBL.

It is the purpose of this paper to look briefly at the general forums that are available for discussion of the landmine issue and to describe one of these mechanisms for action in some detail: the Ottawa Process and all the meetings leading from Ottawa 1996 to Ottawa 1997. It is hoped that this paper will assist in understanding the different postures and problems which have emerged so far in the discussion of banning anti-personnel landmines.

THE CONFERENCE ON DISARMAMENT
The Conference on Disarmament (CD) is the disarmament negotiating forum of the UN and is favoured by those states who view the APM debate primarily as a security issue with a humanitarian dimension (as opposed to a humanitarian issue with a security dimension). With a track record that includes the negotiation of the Comprehensive Test Ban Treaty and the Chemical Weapons Convention, some feel that this forum has the experience and credibility to take on the landmine issue. More importantly, however, its 61 members, representing all geographical areas, include so-called essential states that are major powers and are known to still produce APMs, such as China and Russia. Given the CD's track record, it could be considered the ideal forum in which to discuss the landmine issue. It can also be said that any
landmine discussion forum must include some of the world's most mine-infested countries, many of whom are not part of the CD's membership, such as Mozambique and Angola.

Another drawback of the CD as a forum for debate, is its need for complete consensus. This often leads to protracted negotiations which may culminate in no agreement being achieved as a result of the use of a single veto, or which may reduce agreements to the lowest common denominator. This threatens to delay any substantive progress on the issue of anti-personnel mines considerably.

THE CCW
Like the CD, the 1980 CCW relies upon total consensus during review conferences, but all states may sign the Convention. The CCW text aims to eliminate or restrict the use of certain "excessively injurious" or "indiscriminate" weapons of war in the manner of previous international treaties, such as the St Petersburg Declaration (1868) that banned explosive or inflammable projectiles, the Hague Agreements (1899 and 1907) prohibiting the use of projectiles containing asphyxiating gases, and the 1925 Geneva Protocol which banned the use in war of asphyxiating, poisonous or other gases, as well as bacteriological warfare. In more recent years, conventions on biological weapons and chemical weapons have been concluded.2

The CCW covers a broad range of weapons, including incendiary devices, booby-traps, landmines and blinding laser weapons. A ban on the use of the latter category of weapon was introduced at the most recent Review Conference, even though the weapon is still at the prototype stage and has never been deployed. At this Review Conference in 1995, significant changes were made to Protocol II regarding landmines. These include:

• an extension of the scope of application to cover internal conflicts;
• a prohibition on the use of non-detectable APMs, as well as remotely delivered APMs that do not self-destruct and self-deactivate;
• a prohibition on the transfer of these two types of mines, with immediate effect;
• a prohibition on anti-sensing devices on all kinds of mines;
• an obligation to impose individual penal sanctions on persons who violate the material provisions of the Protocol;
• a considerable strengthening of the rules to protect peacekeeping and other forces and missions of the UN, as well as humanitarian missions and missions of the ICRC from the effects of landmines;
• a strengthening of the general restrictions on the use of all types of mines, particularly regarding marking and recording;
• the placing of strict responsibility on the mine-laying party, either to clear or to maintain minefields that it has emplaced; and
• a new Review Conference in 2001, and annual meetings of states parties as soon as the amended Protocol enters into force.

These improvements were offset by a new definition of APMs as "primarily designed to be exploded by the presence, proximity or contact of a person..."3 Critics, such as the ICBL, argue that this definition significantly weakens the prohibitions, as there are many dual-purpose mines which, while functioning and used as APMs, could be said to have a different primary use. These include mines with anti-personnel and anti-tank components whose primary purpose is to destroy tanks.

The principal drawback of the CCW has been that, while it places restrictions on the use of APMs, it does not ban them outright. As has been pointed out, however well-intentioned armed forces may be, in the heat of battle, compliance with these strict and complex regulations is easily abandoned. Furthermore, environmental factors, such as soil erosion, vegetation and a high metal content of soil, can move mines that were placed in marked areas or hinder their detection. A study by the ICRC on the military use and effectiveness of anti-personnel landmines found that "in the 26 conflicts studied, few instances can be cited where anti-personnel landmine use has been consistent with international law or, where it exists, military doctrine."4

Other CCW participants noted that, as long as only use is restricted, any state with a stockpile of APMs may decide that these mines could be sold to armies or insurgents in other conflicts.
In addition, as long as production is not banned, APMs can be assembled quickly and easily wherever they are needed or where a profit may be made from their sale.

Because the CCW did not ban landmines outright, the humanitarian dimension of the problem was overlooked. Rather, by defining circumstances in which certain types of mine can be used, their continued use is actually legitimised, rather than stigmatised. Thus, given the CCW's lack of a humanitarian dimension, it was apparent that a forum with this focus would have to be created.

The Ottawa Process, which envisages a total ban on the production, use, transfer and stockpiling of APMs, provided this humanitarian forum.

**THE OTTAWA PROCESS**

The Ottawa Process was initiated shortly after the CCW Review Conference of 1995 when several delegations felt that the changes made to the 1980 Convention did not go far enough, fast enough. A group of fifty like-minded pro-ban states subsequently met in Ottawa, Canada in October 1996 to discuss the way forward on banning APMs. The result has been a ‘fast-track’ diplomatic process which is focused specifically on negotiating a treaty for a total ban on APMs which will be open for signature in December 1997.

The signing ceremony of the Ottawa Process will be open to all states ready to sign the legally binding treaty in December this year. States who are unable to sign at that time may attend as observers if they wish, but the treaty will not be subject to ratification by major producer states. Thus, the process is "open to all, but hostage to no-one." The momentum that has been created by this process has served to focus international opinion on a total ban and it is hoped that the new international norm created by the treaty will encourage hesitant states to join.

**THE OAU CONFERENCE**

Eleven African states attended the first meeting of the Ottawa Group in October 1996 to catalyse practical efforts to move toward a ban and create partnerships between states, international organisations and agencies and non-government organisations (NGOs) essential in building the necessary political will to achieve a global ban on APMs.

Clearly, the scourge of anti-personnel mines is most acute in Africa. Eighteen of this continent's fifty-three states are plagued by landmines and six of these appear in the top twelve on a list of countries with the greatest number of APMs within their national borders. Angola, Mozambique, Chad, Sudan, Somalia, Eritrea, Ethiopia and Egypt are most seriously affected; Sierra Leone, Guinea-Bissau, Mauritania, Namibia, Rwanda and Burundi have a lesser, but nonetheless significant, problem with APMs.

To address this regional issue, the OAU organised three seminars between February and April 1995, with the ICRC to raise awareness among African states of the landmine problem. The seminars also served to brief OAU delegates on the issues on the agenda for discussion at the Vienna Conference to review the CCW.

As a result of the seminars, the 62nd Ordinary Session of the OAU Council of Ministers in June 1995, unanimously adopted Resolution CM/Res1593, which focuses on the following points:

- ratification of, or accession to the 1980 CCW and its Protocol II entitled Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices;
- developing and strengthening inter-African co-operation in the areas of mine clearance and the provision of assistance to victims; and
- appeals to the international community to increase its assistance to African countries affected by mines.

The majority of participants in this Conference supported the Ottawa Process. Many expressed their intention to attend the Ottawa signing ceremony in December, most as full participants. The ICRC, which compiles a list of states supporting a total ban on APMs, was able to add six African states to its list. Written confirmation is awaited from states that have declared their support for such a ban during the Conference.

Regionally, the OAU Conference on landmines made significant strides in both acknowledging a commitment to a ban on APMs, and the need to co-operate in demining and victim assistance programmes. Internationally, the Conference was one of a series of gatherings designed to gauge the commitment of the international community to a comprehensive ban on APMs. The interim between the OAU Conference and the Oslo Diplomatic Conference to negotiate a ban treaty text to be signed in December of this year, saw a majority support for the Ottawa Process with some countries expressing reservations, most notably the United States and China.

THE ROAD TO OSLO
The process leading to Oslo saw the global exposure of the landmine debate increase in the form of various international meetings which discussed and affirmed support for the Ottawa Process.

Thus, several Baltic countries met in Sweden at the end of May for a seminar and workshop on anti-personnel mines. The meeting included presentations by groups, such as the ICBL, the ICRC and Human Rights Watch, all strong supporters of the Ottawa Process.

In June, the Government of Turkmenistan organised the first Central Asian Regional Conference on landmine issues. Topics included international efforts to conclude a ban, as well as strategies in mine clearance and victim assistance. A subsequent announcement was made by the Turkmenistan Minister of Foreign Affairs on his country's firm support for the Ottawa Process.

The most significant meeting in the OAU-Oslo interim was the Brussels International Conference for a Global Ban on Anti-Personnel Landmines. This meeting of over one hundred countries which took place between 24 to 27 June 1997, was an official follow-up to the 1996 Ottawa Conference, designed to discuss the formulation of a draft treaty text and to discuss various issues relating to anti-personnel mines.

Brussels was primarily a test of the commitment of the international community to the Ottawa Process, a process that, by its explicit pledge to sign a comprehensive ban treaty by the end of 1997, was in practice unique to other global landmine forums. By the end of the Conference, over ninety countries signed the Brussels Declaration and expressed their support for a ban treaty, which would include:

- a total ban on the production, use, stockpiling and transfer of anti-personnel mines;
- the destruction of removed and stockpiled APMs; and
- international co-operation and assistance in mine-clearing in mine-affected countries.

Just as important as the wording of the text, was the pledge made by the signatory countries to reach their objective of concluding a comprehensive ban treaty by the end of the year. The signatories of the Brussels Declaration gave their political commitment to the Ottawa Process and to the next major phase in that process in Oslo.

In addition to the Brussels Conference, an Asian Regional Seminar on landmines was convened in Manila, the Philippines, from 20-23 July by the ICRC, the Government of the Philippines, and the Philippine National Red Cross. The seminar, which was attended by Asian defence analysts, presented recommendations to urge governments in the region to participate in the negotiations to draft and sign a ban treaty on APMs by the end of the year. A number of announcements were made by countries in the pre-Oslo period, and among these, the following deserve particular attention:

- In mid-August, Australia signed the Brussels Declaration, affirming its support for a global ban on APMs, and its participation in the Oslo talks.
• Germany, in addition to already being a supporter of the Ottawa Process, announced its intention to destroy all its APMs by the end of the year.
• The presidents of South Africa and Switzerland, in a joint declaration on 3 September, announced their countries’ strong support for achieving a total ban on anti-personnel mines. The two leaders went on to urge countries attending the Oslo talks to seize the opportunity to completely prohibit APMs.
• From item 23 of its Madrid Declaration on Euro-Atlantic Security and Cooperation, the North Atlantic Treaty Organisation (NATO) announced in July that it supported the goal of securing an international agreement to ban the use, production, stockpiling and transfer of APMs. The Declaration went on to say that NATO noted the developments being made both in the CD and the Ottawa Process. NATO’s support for both of these forums mirrored the stance of the United States which joined the Oslo talks in August.

THE UNITED STATES ENTERS THE TALKS
On 18 August, the US indicated that it would participate in the Oslo talks. In announcing its decision, the US stated that it would be bringing a list of key proposals to the negotiations. In particular, it was looking for an exemption for a million of its ‘smart’ self-destructing APMs in mixed systems with anti-tank mines; an exception for maintaining the use and deployment of APMs in Korea; and a delay of entry into force of the treaty.

These proposals caused a prolonged debate between the US, other participating countries and international organisations, many of whom questioned the US’ decision to enter the Oslo talks. The fear among many countries was that the US proposals would weaken the chances of concluding a truly comprehensive ban. This fear, expressed from a humanitarian perspective, differed from the US position which centred on national security concerns and the belief that the Ottawa Process would not produce a truly universal ban.

The US view was articulated at CD talks in Geneva on 21 August. The acting head of the US delegation, Katherine Crittenberger, reiterated an earlier White House statement expressing the US’ desire to "secure an agreement that achieves our humanitarian goals while protecting our national security interests."

The US felt that the proposals it brought to Oslo were essential to protect its troops in operations around the world, particularly in Korea. The US agreed in principle to eliminate APMs, but felt that, in order to ensure the security of its troops, a delay of entry into force was needed to develop alternatives to APMs.

Secondly, the US was not prepared to commit itself exclusively to the Ottawa Process, given the absence of key landmine producer and user countries such as China, Russia and India. It felt that the absence of these countries could not ensure the universality of the treaty. The US said it would continue to participate in CD talks to negotiate a truly international ban treaty.

The willingness of the US to participate in the Ottawa Process in the absence of countries such as China and Russia, showed that the US was willing to consider all avenues for a total ban on APMs. It also signified the growing international momentum of the Ottawa Process.

OSLO
The Oslo Diplomatic Conference took place from 1-19 September 1997. The Conference was attended by delegations from over 100 countries with at least 90 full participants. Africa was represented by 32 states. Tragically, a day before the talks were to start, one of the most visible supporters of the ban on APMs, Diana, Princess of Wales, was killed in an automobile accident in Paris. The major question that overshadowed the Conference was how much the US could influence the negotiations with its security concerns, and how much the majority of participating countries could accommodate the US without compromising the integrity of the treaty.

Of the three major proposals that the US brought to Oslo, the one that caused the most debate was the exemption of its ‘smart’ self-destructing APMs. The argument for exempting
these mines was that they were part of anti-tank/anti-vehicle mine systems and should by
definition not fall under the treaty being negotiated, calling for the destruction of APMs.

Despite attempts to garner support for its proposals, the US did not stand a realistic chance at
getting them approved. This was due to the fact that the majority of countries attending Oslo
supported negotiating a treaty free from exceptions. The motivation among the countries
willing to compromise with the US, was the strength that a US signature would give to the
treaty. By the end of the Conference, the US proposals were judged too detrimental to the
integrity of the treaty. Despite being granted a 24-hour delay to continue its consultations with
participating countries, the US, unable to acquire the necessary support, withdrew its
proposals and stated that it could not sign the final text of the Oslo Convention. US President
Bill Clinton stressed the protection of American troops stationed abroad as the prime reason
his country could not sign.

The final text of the Oslo Convention was judged a success by those countries and
organisations calling for a total ban on APMs. Some of the major stipulations in the text are:
• the prohibition by states under any circumstances of the use, production, stockpiling
  and transfer of anti-personnel mines;
• definition of an anti-personnel mine as “a mine designed to be exploded by the
  presence, proximity, or contact of a person and that will incapacitate, injure, or kill
  one or more persons”;
• provision for the destruction of all stockpiled APMs within four years of a country’s
  ratification of the Convention;
• assistance for the rehabilitation and care, economic and social integration of mine
  victims. Assistance to states may be provided by such organisations as the United
  Nations, the ICRC and NGOs;
• annual meetings of the states parties within a year of entry into force until the first
  Review Conference which shall take place five years after entry into force;
• entry into force after the ratification by forty states;
• the unlimited duration of the Convention unlimited duration with a provision for the
  withdrawal of states parties;
• the Secretary-General of the United Nations to serve as the depository of the
  Convention;
• enforcement of the provisions of the Convention to be undertaken with the co-
  operation and consultation of the states parties through meetings convened for such
  purposes; and
• the Convention to be open for signature in Ottawa, Canada, on 3 and 4 December
  1997, as well as at the UN from 5 December until entry into force.

The treaty text is defined by the same spirit of co-operation that defined the Ottawa Process
which created it. Dialogue vis-à-vis the operation and implementation of the treaty, is
sustained by the provision of Review conferences which, if so requested by one or more of
the states parties, will take place a minimum of five years apart. The enforcement of the
provisions of the treaty, always an important consideration in international agreements, will be
undertaken through the Secretary-General of the United Nations with the consultation of all
states parties, thus ensuring that disputes between countries are discussed within a
multinational forum. The fact that meetings of the states parties may include non-states
parties, NGOs and other relevant international organisations as observers, further shows how
the co-operative dialogue of the Ottawa Process has been retained and respected.

Between seventy and one hundred countries are expected to sign the treaty in December.
Thirty two African countries were present at the Oslo talks, and of these, twenty six are
expected to sign in December. These include Mozambique, Angola, Sudan, Ethiopia and
South Africa.

THE ROAD TO OTTAWA
The interim between the adoption of the treaty in Oslo in September, and the signing
ceremony in Ottawa during December, has seen increased lobbying and produced a number
of important announcements. On 10 October, the ICBL and its co-ordinator, Jody Williams,
were jointly awarded the 1997 Nobel Peace Prize. The ICBL has been at the forefront of the
drive to ban landmines since its launch in 1992. The ICBL is an umbrella group of over 1 000
NGOs active in over fifty countries. It attended the October 1996 Ottawa meeting as an observer organisation and since then has been, together with the ICRC, active in the partnership between governments, NGOs and international agencies that has defined the Ottawa Process.

The co-ordinator of the ICBL, Jody Williams, is an experienced humanitarian and development advocate. The awarding of the Nobel Peace Prize to Ms Williams, a US citizen, did not go unnoticed given the US decision to opt out of the treaty. Ms Williams later pressed President Bill Clinton to bring the US on board by signing the treaty.

Recently, President Boris Yeltsin announced that Russia would work towards signing the landmine treaty. Japanese Prime Minister, Ryutaro Hashimoto, stated on 20 October that his country was now prepared to sign. The announcements by Russia and Japan have served to place added pressure on those countries who have not announced their intention to sign, most notably, the US. The visit of Canadian Foreign Affairs Minister, Lloyd Axworthy, to the Middle East in November, will attempt to garner more signatures for the treaty in this under-represented region. The focus for governments, NGOs and international agencies, will continue to be on persuading governments who have not yet made a commitment to sign.

With reference to the Ottawa Process, Jody Williams stated that, "[w]hat has been achieved here shows that smaller states and non-governmental organizations can work together to speedily respond to global crises. Diplomacy in the post-Cold War period really is different." This statement refers to the success of the Ottawa Process in achieving what the CD and CCW have not been able to achieve, a comprehensive ban on APMs. Yet, how influential has the Ottawa Process been, and what are the implications for global arms control fora?

THE SIGNIFICANCE OF OTTAWA
The Ottawa Process was an urgent humanitarian response to the substantial human damage being inflicted by APMs. It was a fast-track approach which did not burden itself with the challenges of reaching total consensus on its mandate. In these ways, it is distinct from the CD and CCW that approach the landmine issue from a security perspective. The question of whether the Ottawa Process threatens the usefulness of the CD and CCW, will depend on the future progress within these forums.

The absence of key landmine producer countries, such as China, India and the US, means that the treaty to ban landmines, however largely supported, cannot be considered totally universal. The impact of the Ottawa Process will be felt at future CD and CCW meetings, in terms of how much the ban treaty will influence the agenda and progress towards a total ban. Indeed, the US stated throughout the Oslo Conference that it favoured negotiating an APM ban treaty within the CD, in order to include key landmine producer countries. Given the present state of affairs in the CD, however, with deadlock and bitter exchanges on procedural and agenda-related issues, lack of progress on landmine issues could mean that the Ottawa Process will succeed in having defined a more progressive path to multilateral arms control negotiations. The Ottawa approach, defined as, "specialized open-ended negotiating conferences, to be convened by countries interested in, or directly affected by various arms control measures", may illustrate the future structure of global arms control negotiations.

In terms of its effect on multilateral negotiations, the Ottawa Process demonstrated the potential impact of civil society in mobilising multilateral action. In his closing remarks at the 1996 Ottawa conference, Canadian Foreign Affairs Minister, Lloyd Axworthy, acknowledged the importance of the ICBL in bringing the landmine issue to global attention, and the continuing role it must play in getting as many countries on board as possible. The Oslo Conference, aside from hosting diplomatic treaty negotiations, also hosted a visible NGO presence, including an NGO Secretariat which provided conference updates, a landmine day of action, and a discussion forum. These activities succeeded in publicising the diplomatic negotiations, thereby furthering the global exposure of the talks.

Secondly, the role of smaller countries such as Austria, Canada, Germany, the Philippines and South Africa, in setting the agenda for larger global powers such as the US, China and Russia, showed that post-Cold War multilateral arms control negotiations would no longer...
necessarily be steered by the permanent members of the UN Security Council. Finally, the partnership between civil society, in the form of NGOs, and smaller countries, could see a more consultative role in the future between NGOs and governments.

The Ottawa Process linked development and security, with far-reaching implications. The main impetus to ban APMs taken up within the Ottawa Process, was the major humanitarian damage being inflicted by the mines which were claiming victims long after the conflicts had ended. In this way, the focus was on the human security and development costs of APMs above their military utility. The definition of development was widened given the environmental, economic and social strains inflicted by APMs on communities. APMs function as indiscriminate time bombs occupying territory that is made inaccessible for residential and infrastructural development. The deaths and injuries caused by mines, produce social and economic hardships for families in income generation and subsequent economic development.

Consequently, the security of individuals was upheld as the highest priority in the Ottawa Process. The security of a country was considered to be the economic, social and environmental advancement of its people, progress that APMs prevented. In this the Ottawa Process has taken the moral high ground in the landmine debate, putting human security and utility ahead of its military significance.

The road to Ottawa will not end in December. The signing ceremony is only the first step in the expansion and implementation of the total ban on landmines. After December, work will concentrate on expanding the number of signatories to the treaty and on monitoring the ratification process. Technically, ratification and entry into force will be the prevailing concerns of the Ottawa Process. Globally, the Ottawa fast-track approach has highlighted the inflexibility and subsequent slow movement of forums, such as the CD, which will have implications for the evolution of multilateral arms control negotiations.

ENDNOTES
5. UN Data Base, quoted in AP Mine Ban: Progress Report 1, Canadian Dept of Foreign Affairs and International Trade, February 1997.
6. The conference was funded by the governments of Canada, Denmark, the Netherlands, Norway, Portugal, Sweden, South Africa, Switzerland and the International Committee of the Red Cross (ICRC). The Institute for Security Studies undertook the conference arrangements.
7. Which included Angola, Burkina Faso, the Republic of Congo, Malawi, Mozambique, Nigeria, South Africa, Swaziland, Zambia and Zimbabwe as African states supporting a total ban on APMs.
8. Algeria, Botswana, Cape Verde, Ghana, Mauritius, and Sierra Leone.
9. Including Burundi, Gabon, Guinea, Liberia and Sudan.
13. Ibid.
14. A nine-year period of deferral for key provisions and a total of 60 ratifications, including the approval of all permanent members of the UN Security Council and 75 per cent of historic producers and users.

17. Drawing upon the tremendous media attention that her death brought to the campaign, a moment of silence was observed in remembrance of Princess Diana at the opening of the Oslo Conference.

18. See Oslo Convention, op. cit.

19. Key Middle Eastern countries including Egypt, Israel, Lebanon, Syria and Turkey did not participate in the Oslo Conference.


22. Part of the Ottawa Core Group of countries that attended the Ottawa conference in October 1996.