

Preparation for Effective Entry-into-Force of the Ban Treaty

*Chair: His Excellency Ambassador Sarge Gonzalez-Galvez
Under Secretary for Multilateral Affairs, Ministry of Foreign Affairs, Mexico*

Treaty Obligations

Dr. Thomas Desch
Ministry of Defence, Austria

Austria prepared a draft Treaty text which was circulated at the 1996 Ottawa Conference, noted Dr. Thomas Desch of the Austrian Ministry of Defence. Subsequently, the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction was adopted by nearly 100 states on September 18, 1997 in Oslo.

Dr. Desch outlined the obligations that states incur when they become a party to the Convention. Besides technical obligations, these consist of core obligations and supplementary obligations.

Core obligations entail prohibition of the use, stockpiling, production and transfer of anti-personnel mines (APMs) and the obligation to destroy stockpiles and to clear mined areas. However, a limited number of APMs may be retained for the development of techniques for mine detection, clearance or mine destruction, and for training in these techniques. The transfer of APMs for the purpose of destruction is also permitted.



Supplementary obligations facilitate and support compliance with the core obligations. These include international cooperation and assistance, various reporting requirements, facilitation and clarification of compliance with the core obligations and the duty to adopt the necessary measures in order to ensure national implementation of the basic Treaty obligations.

Such clear and unambiguous treaty obligations are essential for an effective entry into force of the Treaty, Dr. Desch concluded.

Collecting Data in the Field

Mr. Lou McGrath
Director, Mines Advisory Group, United Kingdom

Mr. Lou McGrath of the UK's Mines Advisory Group noted that the Treaty obliges states parties to supply information on mined areas, with their location and contents, "to the extent possible" within 180 days of entry into force, and to report on warning measures taken.

While the timetable for reporting is short, this is no justification for the submission of inadequate data which give no clear picture of where the problems are, how they should be addressed and how they should be prioritized. McGrath recommended that data collection be based firmly on the principles of humanitarian mine action and planned as an integral part of a complete strategy. In this way, reporting becomes an essential preparatory step for full-scale clearance of the affected areas, rather than an end in itself.

Survey teams must be properly qualified, trained, paid, insured and supervised. Surveyors must have a broad understanding of what a mined area actually is, in the perception of those who use it. The survey must be community-based, taking account of local knowledge, culture and patterns of land use, including the impact of factors such as seasonal activities and land