

ARTICLE 3: GENERAL RESTRICTIONS

ISSUE: The major issues in this Article relate to the expression of the ultimate goal of the negotiations as the banning of anti-personnel mines and the standards for weapons, including detectability of landmines.

BACKGROUND:

This article seeks to establish general rules concerning the use of land mines. Later articles set out more specific restrictions set out in Articles 4 and 5.

One of the major contentious issues is with respect to paragraph 10 which states that the restrictions and prohibitions are "to facilitate the ultimate goal of a complete ban on production, stockpiling, use and trade of anti-personnel mines". This paragraph is bracketed because the debate has not yet been resolved over whether or not we want "a complete ban" on the stockpile, use and trade in anti-personnel land mines.

The second contentious issue has to do with standards for weapons (including detectability) as set out in the Technical Annex which is referred to in para.4, and whether anti-vehicle mines (AVM), in addition to anti-personnel mines (APM), must be made detectable. This paragraph refers to technical specifications set in the Technical Annex which have not yet been agreed to and will be considered at the Review Conference. It is important to note that a separate restriction on the use of non-detectable APM is also set out in Article 5bis.

In para. 1, it is states that the Article applies to mines, booby traps and other devises. At an earlier stage in the debate France had concerns about the term "booby-trap" and therefore requested that it be bracketed all times that it appeared. Late in the last Experts Group meeting, France dropped this objection thereby allowing removal of the brackets around the term each time it appeared.

Paragraph 2 sets out States Parties responsibilities to clear, remove or destroy mines, booby traps and the devices as specified in Protocol II Article 9. Some States have argued that, for consistency with Article 9, there should also be an obligation to maintain those mines, booby traps and other devices.

CANADIAN POSITION:

In July, the Canadian representative at the Geneva de-mining meeting stated that "Canada supports increased restrictions on anti-personnel landmines, leading ultimately to a global ban on their use". This statement was included in the recent memorandum to the Minister (IDA-1724) which set out the Canadian Objectives and Strategy for the CCW Review Conference.

A broad statement of this type could obviously cause some problems for