

ARTICLE 6ter: TRANSFER REGIME

ISSUE: The creation of a regime, either within the CCW or outside it, to restrict the transfer of landmines to States Parties of the regime in good standing.

BACKGROUND:

As part of a concerted effort to control the abuse of landmines, a number of countries have taken the view that exports should be limited to those states which have joined the CCW and are members in good standing. Proposals to this effect have been made, with the Dutch (supported by Canada and many other countries) taking the lead on efforts to create a transfer regime within the CCW. At the same time, the USA and the UK (supported by Italy and Pakistan, among others) have launched a plan that would do the same thing substantially, but would be outside of the CCW. In the meantime, most producers of landmines have joined an informal moratorium on their export until such time as a transfer regime can be established.

The USA/UK plan was discussed extensively at a conference in Budapest in June. The outcome of the discussion was a tacit agreement to pursue the option of including language on a transfer regime in the CCW, in the first instance. If we are not successful at the Review Conference, the USA and the UK have signalled their intention to return to their process.

In reality, it must be recognized that any transfer regime, whether within the CCW or outside it, will be only marginally effective in preventing the abuse of landmines by non Parties to the regime or insurgent movements (which are the real source of much of the abuse). Landmines are a relatively inexpensive, low-technology weapon. Crude, but highly effective devices can be readily produced by most states and by many non-state actors.

The real utility of a transfer regime will be to: announce to the world that the members of the CCW regard landmines as a weapon to which access should be controlled to those which have undertaken to use them properly (an essentially political act, but no less important for that); and to permit the trade in landmines to resume amongst those states which are committed to using them properly.

Our latest consultation with the Chairman of the CCW Review Conference (Molander) have revealed that he is not optimistic about the prospects for success in this area.

CANADIAN POSITION:

Canada does not produce landmines, but the Canadian Forces does have a