

Broadly speaking, there are three types of evaluative mechanism: compulsory adjudication, the UN Security Council, and treaty-specific bodies.

B. *Compulsory Evaluative Mechanism*

68. The participants at the Montreux Symposium identified several possible "compulsory" evaluative mechanisms: The International Court of Justice, international arbitration, the International Criminal Court, and a treaty-specific court (such as the European Court of Human Rights). Although there were advantages and disadvantages associated with each of these compulsory mechanisms, the expert consensus was that "it was unlikely that States would accept compulsory adjudication as this does not at present exist in any international humanitarian law treaty".⁷

C. *United Nations Security Council*

69. The Symposium also examined the possibility that in the absence of a compulsory adjudication mechanism, the UN Security Council might be called upon to evaluate complaints of grave breaches of the Convention. The Symposium concluded that this would depend to a large extent on the political will of the members of the Council. At the current juncture it is unlikely that the UNSC has the time, resources or inclination to act as the decision-making organ of the CCW Convention; for the simple reason that, compared to other pressing issues on the international agenda, the landmine problem simply does not have the gravity to command the Council's attention. Accordingly, at least for the near-to-medium term, the Security Council should probably not be considered a candidate for this role.

D. *A Treaty-Specific Evaluative Body*

70. Treaty-specific evaluative bodies typically function in one of two ways. On the one hand, they may be quasi-judicial in nature, operating as does the European Commission on Human Rights. These quasi-judicial bodies render findings of compliance or non-compliance that are, to varying degrees, legally binding. They tend to be relatively small, and to the extent possible, insulated from political influence. On the other hand, some treaty-created evaluative bodies are less judicial than political, essentially involving a forum of the States Parties where compliance issues can be raised and discussed. This type of body is more commonly found in the arms limitation and disarmament context. Both of these, in their respective spheres, can be effective.

⁷ICRC, *Report of the International Committee of the Red Cross for the Review Conference.....*, op. cit., p. 23.