

## IV. Triggering Mechanisms

### A. Introduction

32. Several different mechanisms could be used to trigger an inquiry into alleged violations of the CCW Convention. These include: complaints from individuals, complaints from non-governmental organisations, inter-state complaints, requests from international organization such as the UN General Assembly or Security Council, and initiatives on the part of the verification authority itself (ie. initiatives taken in *proprio motu*).

33. While all of these have been used as part of the verification regimes associated with various international agreements, at the moment support for a modest "states-plus" triggering procedure seems strongest.

### B. A Broad-Based Mechanism

34. In the CCW context, the most effective verification system would probably have a triggering mechanism that would allow the investigation process to be initiated by complaints from a broad range of sources (including individuals, non-governmental organisations, states, international organisations such as the UN, and the verification authority itself). If the application of the CCW Convention were restricted to international conflicts only, a mechanism based on complaints by states would probably be adequate because in this type of conflict landmines are usually used in theatres of combat removed from the civilian population, and non-state actors are typically not in a position to observe patterns of use. If, however, the scope of the CCW Convention is extended to cover non-international conflicts as well, then a more broadly-based complaints mechanism might prove to be a more useful means of determining the extent to which agreed rules pertaining to the possession and/or use of certain categories of landmines have been systematically violated. This is so because, in non-international conflicts, civilians, aid workers, UN peacekeepers, etc. are often in the middle of the theatre of combat, and are therefore well placed to observe patterns of landmine use.<sup>3</sup> A broad-based complaints mechanism could permit non-combatants to report these observations to a verification authority which could use them to help establish the extent to which the provisions of the CCW Convention had been violated.

35. At the current juncture it seems unlikely that such a maximally effective triggering mechanism will prove universally

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<sup>3</sup>See Annex II, "Symposium of Military Experts on the Military Utility of Anti-Personnel Mines, Report of the International Committee of the Red Cross for the Review Conference of the 1980 United Nations Convention on Prohibitions or Restrictions on the of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, pp. 52-53.