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Review Conference : the Convention
on Certain Conventional Weapons
(CCW) (1995 : Vienna, Austria)
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REVIEW CONFERENCE:

The Convention on Certain Conventional Weapons (CCW)

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REVIEW CONFERENCE:

The Convention on Certain Conventional Weapons (CCW)

BACKGROUND AND SCENARIO

ISSUE: Events leading up to the CCW Review Conference, particularly the four Experts Meetings.

BACKGROUND:

The CCW Treaty has 67 parties, of which 51 have ratified (current list attached).

Protocol II of the CCW deals with the indiscriminate and inappropriate use of land mines. It is important to note that the Convention does not now seek to ban or prohibit land mines, only to prevent their indiscriminate and/or inappropriate use. The topic of a complete ban on land mines has, however, dominated our discussions of reforming the CCW with NGOs.

The Convention began as an instrument of humanitarian law establishing rules of war. It has since evolved to include arms control and disarmament measures. The review process began as largely an exercise in humanitarian law. As the political dimensions of the issue of land mines grew, however, the arms control elements evolved and began to take a larger role at the Experts Group meetings.

Those meetings have therefore been marked by tension between those (mainly the lawyers) who seek simply to strengthen the humanitarian law aspects of the Convention and those (mainly arms controllers and those influenced more by public policy considerations) who want to add new and significant arms control and disarmament measures to the treaty. The USA, largely driven by domestic political considerations, tends to be out front in wanting new arms control aspects to be introduced to the treaty. The UK supports the US position, and is particularly active alongside the US on the issue of transfers. China, Cuba and Pakistan, on the other hand, are worried at the prospect of strengthening the regime, particularly in terms of giving the international community the right to "interfere" in the internal affairs of sovereign states.

The preparatory discussions have revolved around a series of key issues, which will be described in subsequent briefs. Their development through the preparatory sessions will be described here briefly. They are (a) the scope of the treaty (specifically, its application to internal conflicts; (b) verification; (c) the international transfer of land mines (ie an export moratorium); (d) the detectability of mines; and (e) the use of self-neutralizing/ self-destructing mines vs so-called

"dumb mines". Canada has taken a particular interest in the first two issues.

(a) Scope & Verification

The heart of the reforms that are sought by the West is expansion of the scope of Protocol II to apply it to internal conflicts as well as intra-state ones. For some of our Western Group partners (most notably Denmark) this has evolved to become the key issue to which all else could be sacrificed if necessary. Canada agrees that scope is a key primary goal, but we have also held out for the inclusion of at least some language on verification to ensure that it is on the agenda of future Review Conferences.

Our analysis of the issue has always held that the scope and verification issues are linked. We believed that the NAM countries would be hostile to both of these goals and that, if the two issues remained separate they could both be lost. We therefore argued initially that we should link the issues in the hope of gaining at least one of them in full force (with the most likely outcome being weakened verification proposals in return for a full-fledged expansion of the scope of the treaty). We made our proposal to our Western Group partners in a *bout de papier* in October, 1994. This idea was accepted by all of our partners as the basis for Western Group strategy.

In the first three Experts Group meetings, the two issues were considered separately. No significant progress was made on either. During the fourth Experts Group meeting, the Danish delegation attempted to resolve the issue of scope in consultation with Cuba and Australia. In discussing their efforts with us and others in the Western Group, the Danes made it clear that they were willing to sacrifice everything (including, and especially, verification) in order to gain full-fledged expansion of the scope of the treaty. Our most recent consultations reveal a strong sense amongst people such as the Chairman of the Review Conference (Molander) that expansion of the scope is possible, but that the NAM, having no interest in a verification mechanism, is willing to play brinkmanship on verification.

Two major drafts are in play. These include a hard-line Western draft which calls for an intrusive verification regime and is known to be unacceptable to the NAM. Also extant is a Chairman's compromise paper, prepared largely by Canada, which softens the language on intrusiveness, particularly as it relates to internal conflicts. Even this second draft seems to be unacceptable to the NAM, however. Thus, the question now under consideration is whether or not to open with a strong Western position (the Western draft), in the knowledge that a compromise will soon be necessary, or to begin with the Compromise text, which itself needs to be further modified. Ambassador Molander is of the view that the NAM is ultimately unlikely to accept any compromise over this issue. For more on this question, see the attached brief on verification.

(b) Transfers

This issue first arose at UNGA 48 when the USA, in response to a bill sponsored by Senator Leahy (D-Vermont), presented a resolution calling on all countries to impose unilaterally a moratorium on the export of land mines. In the first three CCW Experts Group meetings, there was general agreement in the Western Group that we should do something to control the international transfer of land mines. There was also some discussion over whether such a desire should be reflected in Protocol II. In the first three meetings, however, efforts in this regard generally lacked focus and tended to reflect domestic political pressures to be seen to be doing something rather than to make serious proposals. (eg: the Mexican view was that either we ban all land mines and their transfer or we do nothing about controlling their use at all.)

There are now two proposals on the table to control the international transfer of land mines. First, the USA-UK proposal, which arises from earlier American calls for unilateral moratoria on exports and would take the form of a suppliers regime outside the CCW; and second, a Dutch proposal for a new clause in the CCW (which Canada supports). The USA-UK proposal is the evolution of a USA proposal that was first presented in September 1994 (ie immediately after the third Experts Group meeting) and the Dutch proposal was first shared with the Western countries in the lead up to the fourth Experts Group meeting and presented officially there. The substance of the two proposals is the same, the key difference is over whether or not we put these controls in the CCW.

As a large number of exporting states joined the USA led moratoria, delegations started to look more seriously at how the idea could be incorporated into the CCW. The result was the Dutch proposal which was introduced at the fourth Experts Group meeting. The Dutch and the Americans have now been working on a compromise - eg a strong hortatory clause in the CCW.

(c) Detectability

This is one of the humanitarian law elements of the treaty. This should be straight forward - it is not. All that is sought is that land mines be required to contain a minimum amount of metal to render them detectable to standard metal detectors. The principle of this (even the technical details) have been agreed to by all parties - East, West and NAM, almost.

Austria, Finland and Italy want this requirement applied only to anti-personnel mines (ie not to anti-vehicle mines), because they use anti-vehicle mines extensively in their defence strategies. The debate here is strictly an internal Western Group one, and exists largely within the EU. We favour applying this provision to all mines.

This issue has gained a lot of public attention. It is seen as a quick and simple way to aid demining activities and therefore is favoured by the NGOs.

(d) SN-SD vs dumb mines

Debate on this issue has not been so much between states as between military and diplomatic experts. Military experts accept that they will be required eventually to replace dumb mines with SN-SD mines. However, they seek exceptions that are as wide as possible to maintain their freedom to manoeuvre, or, at least, to delay the day when replacement becomes necessary. Arms controllers and lawyers advocate that all dumb mines be replaced with SN-SD mines as soon as possible. This debate went back and forth in the technical working groups of the first three Experts Group meetings. At the fourth meeting, it was almost completely settled. Some final political decisions on this will have to be made at the Review Conference.

At the fourth Experts Group meeting, it was largely decided to require that all mines used should be ones that are self-neutralizing and/or self-destructing. The only time "dumb mines" could be used would be in situations of fixed defences (ie: on the borders, as China wanted) or when the mined field is mapped and fenced with internationally accepted warning signs.

The issues to be settled here are: what percentage of a country's stock of mines may be "dumb mines" (we want around 15%); how long may a SN/SD mines be active (proposals range from 30 days to several years; Canada favours 15 years); and exactly in what situations can "dumb mines" be used.

This third point will probably be the most difficult to resolve. China definitely wants to be allowed to use long life "dumb mines" on its borders, so the issue of fixed perimeter defence is a non-starter. In other situations (eg defence of buildings and other military sights, use in a moving battle situation) how can they be used? The Australians have proposed that the use of "dumb mines" be banned completely in all situations other than fixed perimeter defences. Other countries do not want to be as stringent as Australia. Canada agrees with the Australian proposal in principle, but feels it goes too far, too fast.

Although this issue is technical it has an important political consideration because the NGOs are watching it carefully. NGOs have taken the view that mines, if they cannot be banned altogether, should have the shortest possible life-span. This issue is also closely tied in with the issue of a total ban on land mines.

2. CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS (AND PROTOCOLS)

Concluded at Geneva on 10 October 1980

ENTRY INTO FORCE: 2 December 1983, in accordance with article 5, paragraphs 1 and 3.

REGISTRATION: 2 December 1983, No. 22495.

TEXT: United Nations, *Treaty Series*, vol. 1342, p. 7; depositary notifications C.N.356.1981. TREATIES-7 of 14 January 1982 (procès-verbal of rectification of the Chinese authentic text) and C.N.320.1982. TREATIES-11 of 21 January 1983 (procès-verbal of rectification of the Final Act).

STATUS: Signatories: 51. Parties: 43.

Participant	Signature	Ratification, acceptance (A), approval (AA), accession (a), succession (d)	Acceptance pursuant to article 4, paragraphs 3 and 4 ¹		
			Protocols		
			I	II	III
Afghanistan	10 Apr 1981				
Argentina	2 Dec 1981				
Australia	8 Apr 1982	29 Sep 1983	x	x	x
Austria	10 Apr 1981	14 Mar 1983	x	x	x
Belarus	10 Apr 1981	23 Jun 1982	x	x	x
Belgium	10 Apr 1981				
Benin		27 Mar 1989 <i>a</i>	x		x
Bosnia and Herzegovina		1 Sep 1993 <i>d</i>	x	x	x
Bulgaria	10 Apr 1981	15 Oct 1982	x	x	x
Canada	10 Apr 1981	24 Jun 1994	x	x	x
China	14 Sep 1981	7 Apr 1982	x	x	x
Croatia		2 Dec 1993 <i>d</i>	x	x	x
Cuba	10 Apr 1981	2 Mar 1987	x	x	x
Cyprus		12 Dec 1988 <i>a</i>	x	x	x
Czech Republic ²		22 Feb 1993 <i>d</i>	x	x	x
Denmark	10 Apr 1981	7 Jul 1982	x	x	x
Ecuador	9 Sep 1981	4 May 1982	x	x	x
Egypt	10 Apr 1981				
Finland	10 Apr 1981	8 May 1982	x	x	x
France	10 Apr 1981	4 Mar 1988	x	x	
Germany ³	10 Apr 1981	25 Nov 1992	x	x	x
Greece	10 Apr 1981	28 Jan 1992	x	x	x
Guatemala		21 Jul 1983 <i>a</i>	x	x	x
Hungary	10 Apr 1981	14 Jun 1982	x	x	x
Iceland	10 Apr 1981				
India	15 May 1981	1 Mar 1984	x	x	x
Ireland	10 Apr 1981				
Italy	10 Apr 1981				
Japan	22 Sep 1981	9 Jun 1982 <i>A</i>	x	x	x
Lao People's Democratic Republic ⁴	[2 Nov 1982]	3 Jan 1983 <i>a</i>	x	x	x
Latvia		4 Jan 1993 <i>a</i>	x	x	x
Liechtenstein	11 Feb 1982	16 Aug 1989	x	x	x
Luxembourg	10 Apr 1981				
Mexico	10 Apr 1981	11 Feb 1982	x	x	x
Mongolia	10 Apr 1981	8 Jun 1982	x	x	x
Morocco	10 Apr 1981				
Netherlands ⁵	10 Apr 1981	18 Jun 1987 <i>A</i>	x	x	x
New Zealand	10 Apr 1981	18 Oct 1993	x	x	x

XXVII: Excessively injurious conventional weapons

Participant	Signature	Ratification, acceptance (A), approval (AA), accession (a), succession (d)	Acceptance pursuant to article 4, paragraphs 3 and 4 ¹		
			Protocols		
			I	II	III
Nicaragua	20 May 1981				
Niger		10 Nov 1992 a	x	x	x
Nigeria	26 Jan 1982				
Norway	10 Apr 1981	7 Jun 1983	x	x	x
Pakistan	26 Jan 1982	1 Apr 1985	x	x	x
Philippines	15 May 1981				
Poland	10 Apr 1981	2 Jun 1983	x	x	x
Portugal	10 Apr 1981				
Romania	8 Apr 1982				
Russian Federation	10 Apr 1981	10 Jun 1982	x	x	x
Sierra Leone	1 May 1981				
Slovakia ²		28 May 1993 d	x	x	x
Slovenia		6 Jul 1992 d	x	x	x
Spain	10 Apr 1981	29 Dec 1993	x	x	x
Sudan	10 Apr 1981				
Sweden	10 Apr 1981	7 Jul 1982	x	x	x
Switzerland	18 Jun 1981	20 Aug 1982	x	x	x
Togo	15 Sep 1981				
Tunisia		15 May 1987 a	x	x	x
Turkey	26 Mar 1982				
Ukraine	10 Apr 1981	23 Jun 1982	x	x	x
United Kingdom	10 Apr 1981				
United States of America	8 Apr 1982				
Uruguay		6 Oct 1994 a	x	x	x
Viet Nam	10 Apr 1981				
Yugoslavia	5 May 1981	24 May 1983	x	x	x

Declarations and Reservations

(Unless otherwise indicated, the declarations and reservations were made upon ratification, acceptance, approval, accession or succession.)

CANADA

Declarations:

1. It is the understanding of the Government of Canada that:
 - (a) The compliance of commanders and others responsible for planning, deciding upon, or executing attacks to which the Convention and its Protocols apply cannot be judged on the basis of information which subsequently comes to light but must be assessed on the basis of the information available to them at the time that such actions were taken; and
 - (b) Where terms are not defined in the present Convention and its Protocols they shall, so far as is relevant, be construed in the same sense as terms contained in additional Protocol I to the Geneva Conventions of August 1st, 1949.
2. With respect to Protocol I, it is the understanding of the Government of Canada that the use of plastics or similar materials for detonators or other weapons parts not designed to cause injury is not prohibited.

3. With respect to Protocol II, it is the understanding of the Government of Canada that:

- (a) Any obligation to record the location of remotely delivered mines pursuant to sub-paragraph 1 (a) of article 5 refers to the location of mine fields and not to the location of individual remotely delivered mines;
- (b) The term 'pre-planned', as used in sub-paragraph 1 (a) of article 7 means that the position of the minefield in question should have been determined in advance so that an accurate record of the location of the minefield, when laid, can be made;
- (c) The phrase 'similar functions' used in article 8, includes the concepts of 'peace-making, preventive peace-keeping and peace enforcement' as defined in an agenda for peace (United Nations document A/47/277 S/2411 of 17 June 1992).

4. With respect to Protocol III, it is the understanding of the Government of Canada that the expression 'clearly separated' in paragraph 3 of article 2 includes both spatial separation or

SUPPLEMENT TO ST/LEG/SER.E/13

XXVI.2 CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN
CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS
OR TO HAVE INDISCRIMINATE EFFECTS (AND PROTOCOLS)

Concluded at Geneva on 10 October 1980

Actions effected between 1 January and 1995
(Subject to the deposit of outstanding instruments.)

Participant	Action	Date	1995
1. Italy	Ratification	20 January	1995 ¹
2. Belgium	Ratification	7 February	1995 ¹
3. United Kingdom	Ratification	13 February	1995 ^{1,2}
4. Ireland	Ratification	13 March	1995 ¹
5. Israel	Accession	22 March	1995 ³
6. United States of America	Ratification	24 March	1995 ⁴
7. Malta	Accession	26 June	1995 ^{1/}
8. Romania	Ratification	26 July	1995

LEGAL ISSUES RELATED TO THE CONVENTION

- ISSUE:**
- a) Amendment of the Convention
 - b) Entry Into Force
 - c) Changes to Entry Into Force
 - d) Review Period
 - e) Denunciation

A) AMENDMENT OF THE CONVENTION:

BACKGROUND:

The 1980 Convention on Certain Conventional Weapons is a framework convention with three protocols. It contains the rules of procedure and specifies the areas to which the protocols apply (Convention Article 1). Protocol II therefore contains no provisions regarding its area of application, but focuses on practical matters relating to landmines, booby traps and other devices.

The Convention, as currently worded, is restricted in its application to situations of international armed conflict. It does this by referring to common Article 2 of the Geneva Conventions (armed conflict between two or more State parties to the Conventions) and Article 1(4) of Additional Protocol I of the Geneva Conventions (armed conflict in the exercise of the right of self-determination).

To expand the scope of Protocol II to include non-international armed conflict, either Convention Article 1 (Conv Art.1) or Protocol II Article 1 (Prot II Art.1) could be amended, or both. If Conv Art.1 only is to be amended, it could be with respect to all of the protocols or just Protocol II. However, all of the limitations which are now included in the Rolling Text as part of Prot II Art.1 (to meet States' concerns about sovereignty and non-interference in internal matters) would have to be included in the text of the Convention.

At the Expert's Meetings, most of the discussion focused on expanding the scope provision of Protocol II. How this is to be done remains the subject of discussion and negotiation (see related brief on PII Art.1).

As Conv Art.1 is the limiting provision of the document (restricting applicability to international armed conflicts), for the purpose of consistency, if the Protocol II scope provision is to be expanded, Conv Art.1 should probably be amended to reflect this change. This would also permit future changes to the scope provisions of the other protocols.

The Danes have proposed an additional paragraph to Convention

Article 1 which simply refers to the scope provision in the Protocol ("The Protocol on Prohibitions and Restrictions on the Use of Mines, Booby-Traps and Other Devices (Protocol II) shall further apply in the situations referred to in Article 1 of the said Protocol"). The French have suggested adding additional wording at the beginning of the scope provision ("Except where otherwise specified in any of its annexed Protocols"). At the Western Group meeting in July, this latter suggestion appeared to have wide support because of its simplicity and effectiveness.

CANADIAN POSITION:

We would support a change to the Convention to expand the scope provision for all the protocols to include situations of non-international armed conflict.

If the scope provision of Protocol II only is to be expanded in this manner, the easiest way to do this is to amend P II Art.1, with a consequential change to Conv Art.1. Either the Danish or French proposal for this amendment would be effective though the French proposal seems to be the simplest manner in which to do this.

POSITIONS OF OTHER MAJOR PLAYERS/GROUPS ON THE ISSUE:

The Dutch have argued that the scope of the entire Convention should be amended so that it applies to non-international armed conflicts but they would be willing to agree to such an amendment for Protocol II only. The positions of other States, except Russia (who hold the view expressed below) with respect to expanding the scope provision for all of the protocols is unknown.

LIKELY AREAS OF COMPROMISE:

Unknown.

B) ENTRY INTO FORCE OF AMENDMENTS

BACKGROUND:

The usual procedure to amend a Convention (or to amend/add a Protocol) is to create a separate protocol which would include all of the proposed changes (for the purposes of this brief, this is referred to as the amending instrument). This amending instrument would have to be ratified¹ by States Parties to the Convention and would enter into force in accordance with the existing EIF provisions. Unless otherwise specified in the convention, once the minimum number of States Parties have ratified the amending instrument, the changes to the Convention and the Protocols would only be in effect as between those particular States and any other States that subsequently become parties to the Convention and Protocols (in accordance with Article 40 of the Vienna Convention on the Law of Treaties).

However, the CCW specifically states that the amendments shall enter into force in accordance with the EIF provisions in Convention Article 5 and does not restrict this to only those States that have ratified the amending instrument. The effect of this is to override the more general provision contained in the Vienna Convention.

By ratifying the CCW, States Parties have agreed to this amendment mechanism. In addition, as only States Parties to the Convention can vote on or agree to a proposed amendment, once the amendment is accepted, States Parties have made an expression of their will to be bound by that amendment.

Therefore, once the minimum number of States have ratified the amending instrument (in this case, 20 States), the amended Convention will be in effect for all parties.

POSITIONS OF OTHER MAJOR PLAYERS/GROUPS ON THE ISSUE:

The views of other States, except Russia, are unknown.

¹ For the purposes of this briefing, ratification is to include accession, acceptance, approval or adherence.

C) CHANGES TO THE ENTRY INTO FORCE PROVISION

Russia has proposed a change to the Convention Article 5 which sets out the conditions for Entry into Force (EIF) of the Convention. The original Convention entered into force 6 months after the deposit of the twentieth instrument of ratification. Russia has proposed that the Convention (and thus changes to the Convention and Protocol) enter into force 3 months after the deposit of the sixth instrument of ratification.

As discussed above, once 20 States have ratified the new EIF provision, it would be in effect for all parties with respect to future changes.

However, unless the existing EIF provisions were changed separately and before the other proposed changes to the Convention and Protocols, the new EIF provision (6 States and three months) would only be applicable to future amendments. Therefore, any changes made at this Review Conference would still not enter into force until 6 months after the 20 States had ratified the amending instrument.

CANADIAN POSITION:

There is no benefit in changing the EIF provisions for this particular Review Conference but it may be useful for future amendments to the Convention and Protocols. The Canadian delegation should support the proposed change.

POSITIONS OF OTHER MAJOR PLAYERS/GROUPS ON THE ISSUE:

The ICRC supports this proposal but the views of other States are unknown.

LIKELY AREAS OF COMPROMISE:

Unknown.

D) PERIOD FOR THE REVIEW CONFERENCE

BACKGROUND:

Convention Article 8(3)(c) sets out the review period for the Convention as 10 years. New Zealand has proposed an amendment to this provision of the Convention: supported by Canada and others, which would advance the Convention review period to 5 years.

CANADIAN POSITION:

We support this amendment as this would assist in our efforts to strengthen the terms of the Convention.

POSITIONS OF OTHER MAJOR PLAYERS/GROUPS ON THE ISSUE:

The ICRC supports this proposal.

LIKELY AREAS OF COMPROMISE:

Unknown.

E) DENUNCIATION OF THE CONVENTION

BACKGROUND:

Russia has proposed an amendment to Convention Article 9 regarding the denunciation of the Convention which would make it more difficult to denounce the Convention. A State party would only be able to denounce the Convention or Protocols after it has been in force for 10 years, and only within a one year period following the 10 years. If the State does not denounce within that one year, the State must wait until the end of a further 10 year period, etc.

This would make it difficult for States to denounce the Convention however it would not necessarily ensure that they respect it. Additionally, it may discourage States from ratifying the Convention or Protocols.

As the proposal is worded, it appears that the proposal retains the existing provision which states that the denunciation does not go into effect if, at that time, the State Party is involved in an armed conflict. This provision ensures that the State Party continues to meet its obligations under international law until the end of the armed conflict. We believe that it is very important that this provision be retained.

CANADIAN POSITION:

We are unaware that denunciation has been a problem area for the Convention and do not see the need to make any changes at this time. However, the delegation should not oppose any efforts in this regard at the Conference.

POSITIONS OF OTHER MAJOR PLAYERS/GROUPS ON THE ISSUE:

The ICRC supports this amendment. The views of other States are unknown.

LIKELY AREAS OF COMPROMISE:

Unknown.

PROCEDURAL ISSUES

ISSUE: The major issue relates to the voting procedures for the Conference and NGO participation.

BACKGROUND:

NAM had argued for consensus on voting while WEOG wanted, at a minimum, the possibility that final texts could be adopted by a two-thirds vote. On the final day of the last meeting, a compromise was reached on Rule 34. The rule provides that the Conference shall conduct its work and take decisions in accordance with Article 8 of the Convention. Article 8 of the Convention provides that amendments to the Convention and Protocols shall be adopted in the same manner as the original Convention. However, due to a similar impasse at the Conference leading to the Convention, no rules on decision-making were adopted at that time. As the Convention was in fact adopted by consensus, the NAM will argue that Rule 34 means consensus. WEOG, if necessary, will argue that a vote could have been called at any time during the original Conference but was simply not required.

With respect to the issue of NGO participation, a compromise was reached in which it was agreed that NGOs will be allowed to attend public sessions of both the Plenary and Main committees (including Protocol II committee) but will be entitled to speak only at the Main committee.

CANADIAN POSITION:

With respect to voting, we do not wish to explicitly state that the Conference will operate on the basis of consensus as this may be used by NAM to gain concessions in areas in which we have a strong interest, such as scope or verification.

We support the position taken with respect to the participation of NGOs in the meetings.

POSITIONS OF OTHER MAJOR PLAYERS/GROUPS ON THE ISSUE:

As noted above.

LIKELY AREAS OF COMPROMISE:

This will be determined at the Conference.

ARTICLE 1: SCOPE

ISSUE: This Article seeks to establish one of the key reforms to the CCW sought by Canada and other Western countries. It would extend the scope of the application of the convention to internal conflicts (or "non-international conflicts" in the vernacular of the treaty) from only international ones, as is now the case.

BACKGROUND:

The principle of extending the scope of the CCW has largely been accepted as a primary goal of the Review Conference. It was expected that the NAM hardliners would raise objections to the principle; they did not, although some have suggested changes to the wording. However, we expect them to link progress on this issue to concerns they have over the degree of intrusiveness of any verification provisions which may be suggested.

At the last Expert's Group meeting two alternatives for Article 1 were discussed.

Alternative A:

This alternative was proposed by Denmark, Cuba and Australia. We believe that this is the first time in the CCW process that one of the NAM hardliners has joined Western countries in making a proposal. This breakthrough is doubly significant in that it happened on such an important issue.

The first difficulty in applying this principle was over how, exactly, to recognize it. Initially, it was felt that this could be done by referring to Articles 2 and 3 of the Geneva Convention of 12 August, 1949, but since China had not signed the treaty, it objected to this reference. The Danes therefore proposed the wording currently contained in Article 2 of the Chairman's text. There was some concern that the phrase "all circumstance including armed conflict and times of peace" could be interpreted as not widening the scope of the Convention in the manner we had hoped. After some consideration, and quiet backroom debates, this phrase was accepted by all as accomplishing what we seek.

Cuba's price for cosponsoring this agreement was to have recognized, in some way, each states' right of non-interference in its internal affairs. Debate on this surrounded clause 3. As initially written, this clause contained detailed language on non-interference. After some discussion, it was decided to accept a simple statement recognizing the rights and principles set out in the UN Charter, leaving states-parties to interpret this themselves.

The appeal in this alternative is that the simplicity of clause 3 gives it a

desirable clarity.

Alternative B:

Until late in the fourth Experts Group meeting, it looked like the Danish/Cuban/ Australian proposal (Alternative A) would be the one used to extend the scope of the treaty. At the last moment, however, India presented what is now listed as Alternative B. The Indians were concerned that the wording in Alternative A was not sufficiently strong to protect the freedom from interference in internal affairs. In their alternative draft, reference to the Geneva Convention is included and the right of freedom from interference in internal affairs is spelled out in a more detailed way.

The extent of the detail in the Indian draft is worrying. In clause 5, for example, the proposal says that nothing in the treaty can be used "as a justification for intervening, directly or indirectly, for any reason whatever, in the armed conflict or in the internal or external affairs" of state-parties. We fear that this language could be used to abrogate our wish of applying the treaty to internal conflicts.

The challenge at the CCW Review Conference will therefore be to preserve the essence of the Danish/Cuban/Australian proposal which achieves the goals we seek, while doing so in such a way as to assuage the fears of India. Of course, the possibility always exists that the Indian language is primarily intended to provide a useful bargaining chip in the debate over such issues as verification.

CANADIAN POSITION:

Canada favours as strong a reference as possible to the extension of the CCW to internal conflicts. At the same time, we recognize that this issue presents considerable difficulties to many NAM countries. It will also have to be dealt with in the context of its relationship to our other priority for the RevCon: verification.

POSITIONS OF OTHER PLAYERS/GROUPS:

As noted in the Background section. All of our Western Partners favour Alternative A.

LIKELY AREAS OF COMPROMISE:

We believe that the ultimate outcome of the debate will be language which recognizes the principle involved, but is rather hazy with respect to specific obligations. This would be acceptable if it placed the item on the Agenda of future Review Conferences in such a way that it could be returned to and further developed. Ideally, we would also like to see it along with a strong verification provision, though this may be difficult.

ARTICLE 2: DEFINITIONS

ISSUE: This Article sets out the definitions used in the Protocol and, as such, is essential to its interpretation. The outstanding major issues relate to controls on remote control mines and anti-handling devices.

BACKGROUND:

Many of the definitions in this section are found in the existing Convention. As a result, discussion at the RevCon will likely focus on the few new definitions and clarification of existing definitions.

The US will likely seek some way of excluding the Claymore anti personnel device from the scope of revised Protocol II. This is because the rules established in Protocol II Article 4 are not compatible with the normal doctrinal uses of the Claymore. The Claymore meets the definition of "other devices" (para.5) in that its normal mode of operation is actuation through remote control. It could also meet the definition of anti-personnel mine (APM) when it is actuated with a trip wire. It is the US Dept of Defence's position that the Claymore type devices is not contributing to the humanitarian problem that this Protocol is designed to address and is of such military importance that it should be excluded from the Protocol.

There are several ways to address the issue. "Other devices" could be excluded from the scope of Article 4 or the definitions could be adjusted such that Claymore type devices fitted with trip wires are not considered as APMs.

Another contentious issue is that of the definition of "anti-handling device" (para.14). Although at this time there is nothing in the Rolling Text which prohibits the use of anti-handling mines (other than a prohibition on a specific type of anti-handling device in Technical Annex, Article 2(c)), a prohibition on the use of anti-handling devices could be included in Article 3 or 4. France objects to the idea of including anti-handling devices as something which use should be controlled under the treaty and rejects this proposal. It therefore seeks the removal of this paragraph.

The rolling text includes definitions for "anti-personnel mine" (para.3), "self destructing mechanism" (para.10) and "self neutralizing mechanism" (para.11) which have been accepted. The definition of "self deactivating" (para.12) has brackets for technical reasons. No one objected to the idea of self deactivating mines, only to its technical definition as set out. The definitions of "minefield" (para.8) and "remote control" were also partially bracketed for technical clarification.

For the definition of "remotely-delivered mine" (para.2), the UK requested the final sentence in this paragraph which exempts mines delivered from less than 500 metres. While no one has yet objected to this request, Canada does not support such an exemption which we perceive as a major loophole which could be abused.

CANADIAN POSITION:

It is expected that the US will fight hard to ensure that no restrictions are placed on the use of Claymores. There are an extremely useful military tool and are not part of the humanitarian problem. Canada uses the Claymore and in fact would manufacture our own under licence if parts were available.

Canada should let the US lead the fight to exempt Claymores from any restrictions. If pressed, Canada should support the US publicly, as the Claymore is as important to the CF as it is to US forces.

We support the inclusion of anti-handling devices within Protocol II.

POSITIONS OF OTHER MAJOR PLAYERS/GROUPS ON THE ISSUE:

See above for comments on the Claymore mines. With respect to the issue of anti-handling devices, the US position is that this restriction should apply to APM only.

LIKELY AREAS OF COMPROMISE:

Unknown.

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

Canada since landmines are considered to be an integral part of Canada's military doctrine. Training on landmines is an essential component of Canadian military training. DND has taken the position that a total ban on APMs should only be supported when suitable, humane alternatives are available.

While in past, Canada has taken the position that we support an eventual ban on APM which is a noble, if unrealistic goal, and we cannot back down from this position, the military has its operational requirements to be considered. Therefore, we would rather not take a public position on this issue.

With respect to the issue of detectability, we agree that both APM and AVM should be detectable.

POSITIONS OF OTHER MAJOR PLAYERS/GROUPS ON THE ISSUE:

The US, New Zealand, Australia and Scandinavian countries (among others) have supported the statement that the ultimate goal is to ban APM. They realize that this is not possible in the near future and, therefore, we should continue the work on improving and strengthening the Convention and Protocols.

The UK and France do not support this statement as the ultimate goal of the negotiations. The Mexicans have taken the position that if it is not possible to ban all APM at this time, that nothing should be done.

See above and brief for Article 5bis on the issue of detectability.

LIKELY AREAS OF COMPROMISE:

Unknown.

ARTICLE 4: RESTRICTIONS ON USE

ISSUE: The major issue surrounds the incorporation of self-neutralizing (SN), self-destructing (SD) or passive self-deactivating (PSD) features in landmines, and involves the questions of which features to employ, in which types of mines, and the phase-in period for conversion.

BACKGROUND:

The current convention contains restrictions and prohibitions on the use of mines, both remotely delivered and conventionally laid. These have proven to be ineffective, not so much because the controls themselves are inadequate but because indiscriminate use of mines has been the norm in internal conflicts. In addition to pressure to extend the convention to internal conflicts, this has led to attempts to minimize the effects on civilians by ensuring that all mines, or at least all Anti-Personnel Landmines (APLs) are SN or SD. In addition, because of a mistaken perception that SN/SD landmines have a high failure rate, there is a constituency (largely headed by NGOs such as the ICRC and DHA) which advocates the inclusion of PSD features in SN/SD mines. Another issue is that of border versus tactical minefields. If the final convention allows the use of "dumb" mines in some circumstances, there are those who would restrict that use to fixed defences on international borders (e.g. between the Koreas). Others would allow "dumb" mines to be used when the minefield is recorded, fenced and marked with internationally accepted warning signs, as is allowed under the current convention.

CANADIAN POSITION:

Canada lays, marks and records minefields in accordance with NATO Standardization Agreement (STANAG) 2036, upon which the CCW is based. Nevertheless, Canada is prepared to incorporate those features into our APLs which would render them harmless after a given period of time. As the cost to retrofit is prohibitive, it means a wholesale replacement of inventories. To accommodate a shrinking defence budget, we have a preferred minimum implementation time of at least 20 years but could manage with 15. Canada shares the Australian goal of the eventual elimination of the use, with certain exceptions, of all APLs that do not employ one or more of these features but prefers a reasonable phase-in phase-out period. We do not see the necessity of incorporating these features in anti-tank (AT) mines but if that becomes a requirement, would opt again for the same implementation period. With respect to the matter of when "dumb" mines can be used, Canada is somewhat compelled to follow NATO standards, i.e. the legitimate use of "dumb" mines within properly recorded, fenced and marked tactical

minefields in addition to border minefields.

POSITIONS OF OTHER MAJOR PLAYERS/GROUPS:

Sweden and Mexico prefer that SN/SD be restricted to APLs alone but are flexible. The US, UK, France, Germany, Holland, Italy, Russia, Australia, Finland and Switzerland support the introduction of this feature on APLs only but exclusive of those employed in tactical minefields.

LIKELY AREAS OF COMPROMISE:

The US position is an achievable compromise position. The only area of difficulty will likely be on determining the type of features to employ. Those with a vested industrial interest will be the strongest campaigners. Here again the US will speak loudest for SD + PSD features.



ARTICLE 5: REMOTELY DELIVERED MINES

ISSUE: The only substantive issue is one of definition. The chairman's rolling text and the technical annex call for all remotely deliverable mines to employ either SN or SD features (which should be capable of PSD), automatically applied within 90 days of delivery.

BACKGROUND:

Under the present terms of the CCW, remotely delivered landmines must be SN/SD. There is no substantive change to this article. The text includes the longevity of remotely delivered landmines to ensure that the danger of live mines is eliminated relatively quickly after the mines are laid rather than having them remain in situ for many years compounding the risk. A secondary issue which may arise is that of "programmable mines", mines which can have a set of lifespan, say 90 days, but which also incorporate a feature which allows them to be reprogrammed on the 89th day to have another 90 day life span at which time they will SN/SD unless reprogrammed again to survive for another 90 days.

CANADIAN POSITION:

Canada should continue to support the concept that all remotely delivered landmines be SN/SD. NGOs will argue for SD and Canada can accept this. There is no reason to take a stand against incorporation of PSD, except that it will increase costs. It must be reiterated though, that the case regarding failure rates for SN/SD landmines is overstated. Regarding programmable mines, because the ultimate humanitarian effect (SN/SD after the military utility of the mines is exhausted), Canada should support the admissibility of programmable mines within the SN/SD concept.

POSITIONS OF OTHER MAJOR PLAYERS/GROUPS:

The UK is proposing that remotely delivered dumb mines within a 500 meter perimeter be exempted from the prohibition. The USA is on record that all remotely delivered mines be equipped with SN/SD devices..

LIKELY AREAS OF COMPROMISE:

Compromises are possible on the issue of SN versus SD and whether PSD is in fact necessary. The longevity issue will probably include options ranging from relatively long (in the order of a year?) to the relatively short (90 days as in the current rolling text). Canada has no military reason to adopt a stance different from its NATO partners on this issue.

ARTICLE 5bis: PROHIBITION OF NON-DETECTABLE MINES

ISSUE: The major issue is which mines will be required to be detectable - APLs, AT mines or both. The minor issue is what constitutes detectability, is it minimum metal content, and if so is it by weight (minimum of 8 grams of irremovable iron in a single coherent mass) or by percentage?

BACKGROUND:

Under the current convention, there is no need for either APLs or AT mines to be detectable. The trend has been towards less and less metal content, to the extent that some landmines are virtually undetectable by electromagnetic means. This makes removal of such mines an extremely difficult, hazardous and expensive task.

CANADIAN POSITION:

Canada supports detectability requirements for both APLs and AT mines. If application to APLs is the only thing achievable, Canada should attempt to keep the extension to AT mines as an issue for the next RevCon. The suggested metal content of 8 grams is acceptable.

POSITIONS OF OTHER MAJOR PLAYERS/GROUPS:

On the major issue the USA, UK, Germany, Holland, Sweden, Mexico, Australia and Switzerland support detectability requirements on both APLs and AT mines. France, Italy, Russia and Finland do not support detectability for AT mines. China supports it for APLs and perhaps could support it for AT mines.

LIKELY AREAS OF COMPROMISE:

The major issue (detectability) may not be resolved in the near future but the minor one (minimum metal content) is more technical in nature and should be resolvable.

ARTICLE 6: PROHIBITIONS

ISSUE: The main issue relates to the expansion of restrictions on the use of booby traps, in particular whether there should be a ban on the use of booby-traps during non-international armed conflict.

BACKGROUND:

This Article sets out prohibitions on certain uses of booby traps and other devices. Paragraph 1 is the same as the original text.

Paragraph 2, which is a French and German proposal, bans the use of booby traps which are specifically designed in the form of an apparently harmless portable object (such as binoculars) and which contains explosive material.

Paragraph 3 sets out a complete prohibition the use of booby traps in non-international conflict.

The French and other Western States had originally wanted to completely ban the use of booby traps but, at the same time, define "booby-trap" so narrowly as to avoid any practical restriction. This tactic has been abandoned.

The issue of the ban on the use of booby traps in non-international armed conflicts is related to the question of scope in Protocol II Article 1.

CANADIAN POSITION:

Canada can support both proposed changes to the Article.

POSITIONS OF OTHER MAJOR PLAYERS/GROUPS ON THE ISSUE:

See above.

LIKELY AREAS OF COMPROMISE:

Unknown.

**ARTICLE 6 Bis: PROHIBITION OF THE USE, DEVELOPMENT, MANUFACTURE,
STOCKPILE AND TRANSFER OF MINES**

ISSUE: Whether there should be a complete ban on the use, development, etc of mines.

BACKGROUND:

This article prohibits the use, manufacture, stockpile and transfer of certain mines and booby traps. The hidden principle, however, is that all mines are to be eventually be banned from use, manufacture, stockpile and transfer. The Article, as it now exists, would place a complete ban on anti-personnel mines, non-SD/SN APM, booby traps or non-detectable mines. The Article also includes an obligation to destroy all existing weapons covered by the Article.

This article was proposed by several countries for internal political reasons (France, Germany, Mexico, Estonia) and is not currently in play. However, it remains in the Rolling Text (as no State wants to be the one to take it out) and may be raised again during discussions at the Review Conference.

CANADIAN POSITION:

We believe that this issue is a non-starter and would prefer to see a transfer scheme along the lines of the Dutch proposal (Article 6ter).

POSITIONS OF OTHER MAJOR PLAYERS/GROUPS ON THE ISSUE:

Not surprisingly, there is widespread opposition to this article from those that support either the USA/UK plan or the Dutch proposal.

LIKELY AREAS OF COMPROMISE:

It is unknown whether the States that previously supported this proposal will attempt to garner support for it again.

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

standing requirement for them in order to fulfil the tasks outlined in its Defence White Paper. We must therefore import landmines, and all of our traditional sources of supply are presently adhering to the voluntary moratorium. The creation of a transfer regime would permit the Canadian Forces to resume the importation of landmines.

Canada favours the inclusion of the transfer regime within the CCW (the Dutch proposal) rather than outside it (the USA/UK proposal). We believe this would strengthen the CCW and keep all landmine-related activities under one roof thereby getting the suppliers and the recipients together within a multilateral, rules based approach to the problem. In the end, however, we could accept either solution in terms of our requirement to purchase mines from abroad, but we strongly favour the Dutch proposal for political reasons.

POSITIONS OF OTHER MAJOR PLAYERS/GROUPS ON THE ISSUE:

As noted above.

LIKELY AREAS OF COMPROMISE:

There are indications that the USA may accept the Dutch proposal..

ARTICLE 7: RECORDING

ISSUE: This article specifies the parameters for recording and use of information on minefields, mined areas, mines, booby traps and other devices. It is to be read in conjunction with the technical Annex which contains specific details.

BACKGROUND:

In the current convention, all minefields are to be recorded to enable the party which laid them, or others, to remove them, either during or after hostilities. The Technical Annex specifies details for the recording methods, snaps, diagrams or other records to be used. All of these details are consistent with NATO and CF military doctrine and nothing is controversial from a military standpoint. ~~There is nothing notable about any of the bracketed text in the Technical Annex itself -- most of the bracketed text appears to be alternative text, any version of which would be acceptable.~~ The bracketed text in paragraph 2 of Article 7 offers two alternatives for the point when parties must commence active measures to protect civilians from mines in the area in question, and commence information sharing with other parties regarding the locations of those mines. The phrase "and the meaningful withdrawal of forces from the combat zone" in the second bracket could allow parties to abrogate their responsibilities under this article until their forces have left the combat zone, thus exposing civilians to hazards until that time.

CANADIAN POSITION:

Canada should accept Article 7 as drafted, with the proviso that the first of the two bracketed texts in paragraph 2 be the chosen wording.

POSITION OF OTHER MAJOR PLAYERS/GROUPS:

It is unlikely that this article will cause any controversy. The US DoD viewpoint is that the article is acceptable as written.

LIKELY AREAS OF COMPROMISE:

Unknown/not applicable.

ARTICLE 8: PROTECTION OF UN AND NGO PERSONNEL

ISSUE: To what extent are States obliged to provide information on mining activities for the protection of UN and other personnel.

BACKGROUND:

This article sets out the obligations of States to provide information regarding mines to the UN, regional arrangements, the ICRC or other humanitarian organization. With respect to the UN operation, the condition precedent for the operation of the article is that the operation be one which is covered by the recently concluded UN Convention on the Safety of UN and Associated Personnel. This Convention has not yet entered into force and, although it was passed at the UNGA by consensus, some States remain opposed to the Convention as part of the greater NAM suspicion of the UNSC's expanding influence.

At the last prep meeting, the Canadian delegation coordinated this issue, working closely with other WEOG delegations including Austria, Australia, Denmark, Germany and the UK. When the proposal was tabled, China, Cuba and Mexico objected to the attempt to borrow definitions for the Protocol from the UN Peacekeepers Convention.

CANADIAN POSITION:

We support this proposal and would like to ensure that this Article accords as closely as possible with the protections provided for in the UN Convention on the Protection of UN and Associated Personnel Convention; that the ICRC when operating in accordance with functions assigned to it under the Geneva Conventions and Additional Protocols receive adequate comparable protections; and that other impartial humanitarian organizations performing functions with the consent of the parties to a conflict are likewise protected.

In January 1995, together with Austria, we assumed a leading role on this issue and we should now try to encourage the New Zealand delegation to also take a leading position (as NZ was also heavily involved in the negotiations for the Peacekeepers Convention).

ARTICLE 9: REMOVAL OF MINEFIELDS

ISSUE: This article details the requirements for the disposition of minefields after conflict has ended.

BACKGROUND:

The article simply states that parties are responsible for removing minefields, mines, booby traps and other devices which it has laid or which it finds in areas which it controls after the cessation of hostilities. This is not controversial. Regarding mines laid by a party which are in an area that party no longer controls after the cessation of hostilities, the laying party is responsible to provide to the responsible party (the party occupying the area in question), technical and material assistance necessary to affect the removal of the mine(fields). In practical terms, this could mean little more than the exchange of minefield recording information.

CANADIAN POSITION:

There is nothing controversial in this article. Canada should support it.

POSITIONS OF OTHER MAJOR PLAYERS/GROUPS:

The US accepts this article as written, but observes that the meaning of "the end of conflict" could be open to negotiation. Other positions are not known.

LIKELY AREAS OF COMPROMISE:

Unknown.

ARTICLE 9bis: TECHNICAL COOPERATION

ISSUE: Developing nations are demanding that some sort of technology transfer mechanism be incorporated into the CCW to assist them in the conversion of existing stocks to SN/SD.

BACKGROUND:

Developing nations fear that despite their theoretical willingness to use SN/SD landmines (for other than remotely delivered mines, which must already use SN/SD under the terms of the existing convention), the relatively high costs of such mines might prevent them from agreeing to support a wider application of SN/SD mechanisms. At the January 95 Experts meeting, a number of developing countries, with China as the lead nation, attempted to obtain a commitment of technical transfer of not only mine clearing information but also new SN/SD technology.. (The debate started with the former but expanded to the latter. Article 9bis is more concerned with the latter). The US resisted any commitment to transfer of SN/SD technology while Germany stated categorically that this will have to be traded for an extension of the CCW to internal conflicts. The debate about this issue is likely to take place between NAM nations and major mine manufacturing nations. There is a possibility that this could become a "tradeoff" issue concessions on scope or verification for commitments to technology transfer, both SN/SD technology and mine clearance technology.

CANADIAN POSITION:

Canada has a very limited mine manufacturing capability and therefore little to offer in the way of technical transfer on SN/SD. Canada does have considerable mine clearance expertise however. Notwithstanding this, Canada should not agree to compulsory technology transfer as no Treasury Board approval for any expenditure in this area has been obtained. Canada should support voluntary participation in technology transfer schemes and interstate cooperation on this issue. Because Canada has no mine manufacturing interests to protect, there may be a useful role for Canada in the negotiations about tradeoffs between SN/SD technology transfer and other issues.

POSITIONS OF OTHER MAJOR PLAYERS/GROUPS:

It would seem likely that few of the mine producing countries in the world are likely to agree to transfer their technology advantage to developing nations on a compulsory basis.

LIKELY AREAS OF COMPROMISE:

See comments above regarding tradeoff issues.

VERIFICATION

ISSUE: Will compliance with the provisions of the CCW, particularly those relating to landmines, be subject to effective verification?

BACKGROUND:

The CCW does not at present include explicit provisions relating to the verification of compliance. Presumably, allegations of violations might be investigated by the UN Secretary General drawing upon the precedent of past investigations into allegations of the use of chemical and biological weapons in violation of the 1925 Geneva Protocol. There have never been such investigations relating to the CCW.

In view of our expertise in the field of verification, Canada has been active on this issue at the Group of Experts meetings which preceded the RevCon. At the Jan95 meeting of the Experts Group, Canada tabled two reports by independent researchers containing the results of commissioned background research relating to verification and to confidence building aspects of the CCW.

At the Experts Group meetings, a number of Western countries, including Canada, tabled a proposal (CCW/Conf.I/GE/CRP.49 or Alternative C of the Rolling Text), which involves a rigorous and intrusive verification regime. This proposal is now part of the rolling text. It includes the creation of a Verification Commission, the use of *ad hoc* fact-finding missions with the power to conduct on-site inspections (the fact-finding teams would be organized by the Depository -- that is, the UN Secretary General), and measures that can be undertaken in the event of non-compliance. This proposal has been resisted by a hard-core group of NAM countries (China, Cuba, India, Iran, Pakistan). These countries have tabled their own proposal (CCW/Conf.I/GE/CRP.51 or Alternative B of the Rolling Text), also part of the rolling text, which is essentially a modest transparency measure. It involves obligations that parties take the necessary steps to implement the CCW and that they prepare annual reports to the Depository containing general information about the steps taken. There is no provision for the independent assessment of this information or the investigation of allegations of non-compliance. In addition, the Russian Federation has proposed the creation of a Commission of States Parties (CCW/Conf.I/GE/CRP.35 or Alternative A of the Rolling Text) which would consider annual reports submitted by parties.

During the Jan95 meeting of the Experts Group, at the request of Amb. Molanders, Chairman of the Experts Group, Canada prepared an informal compromise text drawing extensively on the proposals on the table and on the Canadian background research reports. This text attempts to preserve the intrusive verification regime of the West for application to international conflicts while postponing its application to internal conflicts through an opt-out provision. It also incorporates information transfer measures along the lines favoured by the NAM.

This informal text was rejected by the NAM and is not part of the rolling text. A subsequent effort by Canada (within the Western Group and after the Jan95 Experts Group meeting) to encourage the reintroduction of this informal text in the early stages of the RevCon has been rebuffed by a number of Western countries. They believe, essentially for tactical reasons, that it is best to start with the harder-line Western proposal and move to a compromise later in the course of the RevCon. It should be noted that some other Western countries were not wholly supportive of the Chair's informal text, believing that it was introduced too early in the CCW review process.

CANADIAN POSITION:

Canada supports the internationally agreed principle that adequate and effective verification is an essential element of arms limitation and disarmament agreements and that this applies to the CCW. As the amended CCW may involve even stronger arms control elements (eg. transfers) than its present provisions, this view seems doubly relevant. Our first preference, therefore, is for a strong and intrusive verification regime along the lines of the Western proposal. Fundamentally, if we believe that the strength of the verification regime should be commensurate with the importance attached to compliance with the agreement.

However, in view of the hardline taken by some NAM countries, we have judged that an evolutionary approach to verification is more likely to succeed. We believe it is more important to gain agreement to incorporate the principle of effective verification into an amended CCW at the RevCon, together with a regular review procedure for the Convention. At subsequent reviews of the CCW, it is hoped that further strengthening of the verification regime might be possible. This is the underlying rationale of the compromise text that Canada prepared for Amb. Molanders involving an opt-out clause. As parties gained more experience with the operation of the compromise verification regime, it was hoped they would be more amenable to its application to internal conflicts. Another possibility might be a Special Conference after the RevCon to explore expanding the verification regime.

Canada should assume a leading role on the verification issue at the RevCon. It should actively support the Western proposal and a regular review process for the CCW. However, the Canadian delegation will have in its back pocket possible compromise language on verification should it be necessary, as appears likely.

POSITIONS OF OTHER MAJOR PLAYERS/GROUPS ON THE ISSUE:

Amb. Molanders has indicated that the hardline NAM are adamantly opposed to inclusion of verification in the amended CCW. He would be happy to re-introduce a modified version of his compromise text. His position is constrained by the unwillingness of some Western countries to go along and by the fact that the EU common position favours effective verification. Amb. Molanders believes that

RevCon is not the end of the process; further elaboration of the verification regime may be possible at a later stage. He suggests a five year review process; a state party commission with yearly meetings involving state reviews and grave breach provisions allowing for ad hoc verification.

For Western position see the Background above. France and Italy seem to be the most resistant to compromise on verification. Germany at one point after the Jan95 Experts meeting, seemed prepared to cooperate with Canada in preparing a further compromise paper, but later backed off (perhaps because of the common EU position). Netherlands was supportive of reintroducing the Chair's compromise text but not at the beginning of the RevCon. Australia was also willing to support the Chair's resubmission of compromise text. The USA has been largely aloof from this debate.

For the NAM position see the Background above. The hardliners have been most vocal; it might be possible during course of RevCon to persuade some other NAM to join in efforts at a more acceptable compromise on verification.

Russia has pursued its weak state commission proposal. They might be persuaded to support a stronger compromise.

LIKELY AREAS OF COMPROMISE:

Some analysts have suggested that a trade-off may emerge between the issue of the scope of application of the CCW (ie. its expansion to cover internal conflicts) and verification. This is what Canada sought to achieve through the Chair's compromise text of Jan95, without success. Others see a trade-off developing between provisions for technology transfer and verification.

ARTICLE 12(4): GRAVE BREACHES

ISSUE: Applicability of the 1949 Geneva Conventions grave breaches provisions to violations of Protocol II.

BACKGROUND:

Paragraph 12(4) states that the provisions of the 1949 Geneva Conventions relating to the repression of breaches and grave breaches shall apply to breaches and grave breaches of the Protocol during armed conflict.

The 1949 Geneva Conventions grave breach provisions oblige States Parties to enact legislation to provide effective penal sanctions for persons committing grave breaches, search for persons alleged to have committed grave breaches, and to prosecute or extradite those persons.

A grave breach is defined as any act or omission occurring during armed conflict in violation of the Protocol if committed wilfully or wantonly and causing death or serious injury to the civilian population.

Each party to a conflict must take appropriate measures to prevent and suppress breaches, may be liable to pay compensation for violations, shall be responsible for all acts committed by members of its armed forces and shall require commanders to ensure that members of the armed forces are aware of, and comply with, the obligations under the Protocol.

The Dutch tabled a proposal which expands on this in more detail however it is not yet included in the Rolling text.

CANADIAN POSITION:

Canada supports application of the Geneva Conventions grave breach provisions to violations of the Protocol.

POSITIONS OF OTHER MAJOR PLAYERS/GROUPS ON THE ISSUE:

As with other provisions related to verification and compliance, some States will be against any efforts to strengthen the Convention in this area.

LIKELY AREAS OF COMPROMISE:

Unknown.

NEW PROTOCOL: LASER WEAPONS

ISSUE: Sweden has proposed a new Protocol to the Convention which would prohibit the use of laser weapons.

BACKGROUND:

The Swedish/Dutch proposal (supported by the ICRC) would prohibit the use of laser weapons that could cause blindness. The UK/French proposal would prohibit the use [and production] of only those laser weapons specifically designed to cause permanent blindness. The Chairman's Rolling text contains both options and also includes a provision stating that blinding as an incidental or collateral effect of the legitimate employment of laser weapons is not covered by the prohibitions.

CANADIAN POSITION:

We are concerned that the discussion on this issue must not be permitted to distract the Review Conference from considering the major issues related to scope, verification and transfers. If it looks like it will delay other matters, we would prefer to defer discussion of this issue until the next Review Conference.

If the question cannot be deferred, we would support the UK/French proposal as it best reflects the Canadian approach.

POSITIONS OF OTHER MAJOR PLAYERS/GROUPS ON THE ISSUE:

During previous negotiations, the US stated that it would prefer not to have the protocol. However, it appears that they fully believe that this issue will be raised by the Germans. If so, the US would support the UK/French proposal.

The Chinese are developing blinding laser weapons to be sold and would presumably be against the inclusion of this protocol.

LIKELY AREAS OF COMPROMISE:

At this time, it would appear that a likely area of compromise would be to ban those weapons specifically designed to blind, though not those weapons that would do it incidentally.

Mark -
fig. to include
a large photo
on laser weapons.
Jed

Blinding light: laser weapons moving from sci-fi to battlefield

UN conference to debate ban

MARK ABLEY
THE GAZETTE

It sounds like something out of science fiction: a weapon made of concentrated light. A weapon whose purpose is to blind. But the machinery described in science fiction has a habit of becoming real. And in the 1990s, blinding laser weapons are on the verge of turning from fantasy into military fact.

"The technology is around now," says Myron L. Wolbarsht, a professor of ophthalmology at Duke University in North Carolina. "Laser weapons could be given to individual infantrymen as an attachment to a rifle. They won't be very heavy and, if you mass-produce them, they won't be very expensive, either."

The U.S. is known to have at least 10 laser-weapon systems under development. One of them, the LCMS, can be mounted on an M-16 rifle; it's powerful enough to destroy vision from a range of 1,000 metres. The U.S. has already spent more than \$100 million on the LCMS alone.

France, Britain, Germany, Israel, Russia and other former Soviet republics have also been experimenting with laser weapons. As for China, it recently began marketing a "portable laser disturber" at Asian arms bazaars.

The Chinese system weighs 33 kilograms; despite its name, therefore, it's not as portable as a couple of the American prototypes. But the desired effect is similar: "by means of high-powered laser pulses, to injure or dizzy the eyes of an enemy combatant ... so as to cause him to lose combat ability, or to result in suppression of his observation and sighting operation."

If laser weapons do nothing more than that, there wouldn't be such anxiety about their development. But the problem is, they don't just "injure or dizzy the eyes." They can also cause permanent blindness.

"The scientists we have spoken with," says Louise Doswald-Beck of the International Committee of the Red Cross (ICRC) in Geneva, "are absolutely adamant: it is totally impossible to have a laser weapon that can dazzle the eyes without also having the capacity to blind."

"To have any dazzle effect, you need a certain energy level. The laser goes through the lens to the retina. And so you end up with damage to the eye."

In the publicity material for its "portable laser disturber," China claims that the weapon will succeed in causing temporary blindness at a range of 10 km. A range of 2 to 3 km is given for "effective distance of direct human eye injury."

But at a closer range than that, such a laser would inevitably destroy vision. And whereas you can replace a soldier's arm or leg with a prosthetic device, nothing can replace sight.

"It is the only weapon I'm aware of," says David Warren, executive vice-chancellor of the University of California, Riverside, "that is directed to a particular part of the body. It's the eye's ability to process light that puts it at jeopardy. Laser weapons don't do anything to any other organ."

A psychologist by training, Warren has served as a consultant to the ICRC. Alarmed by the medical implications of rapidly developing laser technology, the ICRC has been lobbying for a ban on laser weapons since 1989.

Its efforts might finally be about to bear fruit. From Sept. 25 to Oct. 13, a UN weapons conference in Vienna will debate a Swedish proposal to prohibit the use of laser beams as a method of warfare. If the resolution is passed, blinding laser weapons would then be banned under the Geneva Conventions.

At least 25 nations support the proposal. According to Ariel Delavaux of the Department of Foreign Affairs in Ottawa, Canada is among them.

Of the countries that have been experimenting with laser weapons, France, Germany, Britain and Russia seem willing to support the Swedish initiative. But China and Israel have said nothing. And until recent-

ly, the U.S. was firmly against the proposal. In May, Human Rights Watch released a detailed report on U.S. laser weapons. Even within the U.S. military, though, there is believed to be unease about their development. And a spate of adverse publicity following the spring report might have embarrassed Washington into rethinking its policy.

Laser weapons have their defenders, however - not just on military grounds, but also on philosophical ones.

"The issue," says Kosta Tsipis, a physicist who heads the Science and Technology in International Security program at the Massachusetts Institute of Technology, "is whether these weapons are particularly vicious and inhumane."

"I don't think they are. All weapons kill and maim. Let's not panic about lasers; I suspect they're not going to be as effective as the Red Cross fears or as the military hopes."

Stephen Goose, program director of Human Rights Watch Arms Project in Washington, emphasizes that "lasers can do good on a battlefield. They can enhance the accuracy of weapons; they can decrease collateral damage to civilians. But we want to draw a distinction between different kinds of lasers: the acceptable ones that are an adjunct to other weapons, and the unacceptable ones that serve as weapons in their own right."

The Swedish proposal to ban laser weapons specifies that "blinding as an incidental or collateral effect of the legitimate employment of laser beams on the battlefield is not covered by this prohibition." The debate centres, in short, on what "legitimate employment" might mean.

Advanced laser weapons are effective not just against enemy soldiers, but also against machines they have the potential to disable helicopters, surface-to-air missiles and armored vehicles. U.S. forces use such technology against Iraq in the 1991 Gulf War.

But American planners also envisage the deployment of tactical laser weapons in "special missions," such as counterterrorism and counterinsurgency. Human Rights Watch points out that such deployment "may be inherently antipersonnel in nature, with blinding the exact intended effect."

Outside the military, of course, lasers are now a com-

mon tool for improving vision. For at least 15 years, doctors have used them to cure eye diseases.

"They work by burning, by micro-explosions or by vaporization," says Montreal optometrist Guy Julien. "Say you have a leaky vessel in the retina, which we often see in diabetes patients. We burn it away. There's always scar tissue that forms - but it doesn't matter because the laser is so precise."

The impact of a laser weapon on the eye depends on many things: distance, laser color, laser intensity, weather conditions, and eye protection (if any). The damage it inflicts is without cure, Tsipis claims that effective protection against lasers is theoretically possible; but other experts disagree.

"I think it will be possible to protect soldiers in tanks or fortified positions," says Duke University's Wolbarsht. "But they're not the important problem. I do not think it's possible to protect soldiers on foot."

And if the U.S. military, with all its resources and money, cannot protect the eyes of its infantrymen, what of the rest of the world? If laser weapons spread, they will sooner or later be used by guerrillas and in civil wars. Imagine an Afghanistan or a Somalia trying to cope with hundreds of thousands of blinded civilians.

As it happens, history does offer one example of blinding as a military technique. In the year 1014, the Byzantine emperor Basil II imposed an overwhelming defeat on his Bulgarian opponents. After his army captured 15,000 prisoners, he decreed that 99 per cent of them should have their eyes put out. The other one per cent were blinded in one eye only. These men were told to lead the others back home.

Basil's ploy was successful. His barbaric action led to the disintegration of Bulgaria. Within a few years, it was incorporated into the Byzantine Empire.

With that kind of precedent, some human-rights activists fear that even a UN ban on laser weapons might not prevent their deployment.

"People who are going to use them," Wolbarsht says, "are unlikely to find an international ban of any consequence."

The counter-argument centres on the sheer power of shame.

"Blinding as a method of warfare has to be prohibited," says Ann Peters of Human Rights Watch in London. "That principle is what we stand for."

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UN WEAPONRY CONVENTION 1980 (CCWC)

PROTOCOL ON BLINDING LASER WEAPONS (AUSTRIAN DRAFT)
PROTOCOL IV

ARTICLE 1, SCOPE:

- 1.) THIS PROTOCOL RELATES TO THE USE (PRODUCTION AND TRANSFER) OF BLINDING LASER WEAPONS DEFINED HEREIN.
- 2.) THIS PROTOCOL SHALL APPLY IN ALL CIRCUMSTANCES INCLUDING ARMED CONFLICT AND TIMES OF PEACE.
- 3.) NOTHING IN THIS PROTOCOL SHALL BE INVOKED AS AFFECTING THE PURPOSES AND PRINCIPLES CONTAINED IN THE UNITED NATIONS CHARTER.

ARTICLE 2, DEFINITIONS

FOR THE PURPOSE OF THIS PROTOCOL:

- 1.) "LASER WEAPONS" MEANS WEAPONS WHICH USE A LASER BEAM AS THE (SOLE) (PRIMARY) MEANS TO CAUSE INJURY, DEATH OR DESTRUCTION.
SYSTEMS WHICH USE LASER BEAMS IN ORDER TO AID THE USE OR TARGETING OF ANOTHER WEAPON ARE NOT "LASER WEAPONS".
- 2.) "BLINDING LASER WEAPONS" MEANS LASER WEAPONS PRIMARILY DESIGNED TO CAUSE PERMANENT BLINDNESS.
- 3.) "PERMANENT BLINDNESS" MEANS "BLINDNESS AND LOW VISION" AS DEFINED IN THE INTERNATIONAL STATISTICAL CLASSIFICATION OF DISEASES AND RELATED HEALTH PROBLEMS OF THE WORLD HEALTH ORGANISATION.

ARTICLE 3, PROHIBITIONS:

- 1.) IT IS PROHIBITED IN ALL CIRCUMSTANCES TO DIRECT BLINDING LASER WEAPONS EITHER IN OFFENCE, DEFENCE OR WAY OF REPRISALS, AGAINST THE CIVILIAN POPULATION AS SUCH OR AGAINST INDIVIDUAL CIVILIANS.
- 2.) IT IS PROHIBITED TO EMPLOY LASER BEAMS OF A NATURE TO CAUSE PERMANENT BLINDNESS AGAINST THE EYESIGHT OF PERSONS AS A METHOD OF WARFARE OR REPRESSION.
- 3.) IT IS PROHIBITED TO EMPLOY (TRANSFER OR PRODUCE) BLINDING LASER WEAPONS.
- 4.) PERMANENT BLINDING AS AN INCIDENTAL OR COLLATERAL EFFECT OF THE EMPLOYMENT OF LASER BEAMS ON THE BATTLEFIELD IN CONSISTENCE WITH PARA 1-3 OF THIS ARTICLE IS NOT COVERED BY THIS PROTOCOL.

ARTICLE 4, COMPLIANCE

THE STATES PARTIES UNDERTAKE TO CONSULT EACH OTHER AND TO COOPERATE WITH EACH OTHER IN ORDER TO RESOLVE ANY PROBLEMS THAT MAY ARISE WITH REGARD TO THE INTERPRETATION AND APPLICATION OF THE PROVISIONS OF THIS PROTOCOL.

NAVAL MINES

ISSUE: Should naval mines be included in the CCW.

BACKGROUND:

Sweden has proposed that they should be included in the Convention and be considered during the Review Conference. The Canadian Forces do not hold naval mines in their inventory nor is their use contemplated in Canadian Forces doctrine. We do abide by standing NATO Agreements on their use and they could be employed by our allies while Canadian ships are part of NATO naval operations. Under NATO rules, all naval mines are accurately positioned and records are maintained. Because of the cost factor, most mines are designed to be retrievable.

CANADIAN POSITION:

Because Canada has already agreed to discuss the subject we are obliged to be supportive of its inclusion, time permitting, on the agenda. However, since the use of naval mines is adequately addressed by existing NATO guidelines and Canada does not employ them, DND considers that our position should reflect that of our major NATO allies such as the US and reject their incorporation into the CCW.

POSITIONS OF OTHER MAJOR PLAYERS/GROUPS:

Agreement in principle to discuss the topic was given by France, Ireland, Bulgaria, Germany and Canada. The US, Netherlands, Greece and China opposed opening discussion on the inclusion of naval mines.

LIKELY AREAS OF COMPROMISE:

Unknown.

DE-MINING (RECENT EVENTS)

ISSUE: De-mining is critically important, both in humanitarian terms and as a prerequisite for economic development and for post-war reconstruction. The UN is consolidating its capacity for mine-clearance and for developing indigenous de-mining capacity.

BACKGROUND:

The UN estimates there are up to 110 million uncleared mines in 64 countries, including up to 10 million in Afghanistan, 15 million in Angola, 1.7 million in Bosnia-Herzegovina, 10 million in each of Cambodia and China, 2 million in Croatia, 22 million in Egypt, 10 million in Iraq, and 1 million in each of Eritrea, Somalia and Sudan. Up to five million new mines are laid each year but less than 100,000 are removed. Uncleared mines kill more than 10,000 people each year, mostly civilians, and injure as many again. They destroy roads, power lines, irrigation systems and other infrastructure, render agricultural land unusable, place tremendous burdens on health and welfare systems, obstruct the deployment of humanitarian aid, and otherwise hinder post-war reconstruction and development. Uncleared land mines consequently have been described as "a humanitarian disaster" by Boutros Boutros-Ghali and as "a weapon of mass destruction in slow motion" by an NGO.

Mine clearance was listed on the UNGA agenda for the first time in 1993 and a comprehensive report by the Secretary-General on strengthening UN efforts relating to mine-clearance was presented to UNGA the following year. The new UN Department of Humanitarian Affairs (DHA) has been designated as the focal point for mine-clearance and mine-related activities within the UN system, maintaining a database and designing and implementing programmes for de-mining and for developing indigenous de-mining capacity in conjunction with UNICEF, UNHCR, UNDP, WFP and peacekeeping forces. DHA is conducting mine-clearance programmes in Afghanistan (site of the first UN de-mining effort, in 1988), Mozambique, Somalia (on a limited basis, through local contractors) and the former Yugoslavia (also on a limited basis). In addition, UN assessments, training and mine-awareness programme have been, are being, or will be carried out in Georgia, Guatemala and Yemen. UN mine-clearance programmes have been planned for Angola, Iraq, Liberia and Rwanda but have not been implemented because the security situation remains unstable or because the permission of the host Government has not been forthcoming. Responsibility for mine-clearance programmes in Cambodia has been transferred from the UN to the new national Governments, and mine-clearance efforts undertaken with UN assistance in El Salvador were declared completed in 1994. Regional organizations are also now focusing on de-mining, including the OAS since 1991.

A UN International Meeting on Mine Clearance, in Geneva July 5-7, sought to improve international coordination and assistance in mine clearance, to heighten

awareness and to generate resources for expanded UN efforts in this field through the new UN Voluntary Trust Fund for Assistance in Mine Clearance. The meeting was the first of its kind and was attended by 97 governments. All referred to the enormous magnitude of the crisis and to the need for urgent action, and many called for a total ban on land mines, whether in the near- or long-term. The upcoming CCW Review Conference was described by all as a key step in halting the proliferation and indiscriminate use of land mines, and a number of non-signatories indicated they would consider signing the Convention. Most delegations agreed the CCW should be applicable to internal conflicts, and several argued that it should include a ban on non-self-destructing mines. All agreed on the need to strengthen the CCW, and many noted the need for verification provisions. Most also highlighted the need for export moratoria. In particular, many delegations agreed on the importance of developing indigenous mine-clearing capacity. Delegations from mine-affected countries underlined the importance of affordable mine-clearance equipment, and several countries expressed their commitment to relevant R&D.

US\$120.3 million was sought for the Trust Fund but only US\$20.6 million was pledged, although a total of US\$84.7 million was pledged for related de-mining activities, including US\$6.9 million (almost entirely from the U.S.) for the development of a UN stand-by de-mining capacity. The Fund is intended to provide special resources for assessment missions, emergency mine clearance, mine-awareness, training, and enhancing headquarters support. The cost of clearance, including training, support and logistics, is estimated at \$300-\$1000 per mine, whereas the mines can cost less than \$3 to deploy. The UN estimates that the clearing of existing mines would cost approximately US\$33 billion.

CANADIAN POSITION:

Canada views mine-clearance as critically important, both in humanitarian terms and as a component of economic development and of post-war reconstruction in affected regions. Consequently, Canada strongly supports international action on mine-clearance.

Canada has pledged \$200,000 to the UN Trust Fund (status: a Treasury Board submission is being prepared), and has contributed over \$5.25 million in support of mine-clearance in Cambodia, Angola and Afghanistan since 1993. Additional cash contributions through CIDA have supported related projects. Financial support complements the technical assistance provided by DND field engineers, including 24 seconded to the Cambodian Mine Action Centre since 1991 and 52 seconded in Afghanistan from 1985 to 1991. In addition, DND researchers are seeking new methods of land-mine detection and neutralization.

POSITIONS OF OTHER MAJOR PLAYERS:

Statements by key donors in Geneva emphasised the need for the

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development of indigenous mine-clearing capacity, for the development of new mine-clearing technology, and for relevant technical cooperation. Major donors include the U.S. (US\$31.7 million spent 1992-94 and US\$46 million pledged this year), Japan (US\$20 million spent to date and US\$2.1 million pledged overall), the EU (US\$ 4.0 million pledged to the Fund), Italy (US\$1.9 million pledged overall), Germany (US\$7.2 million pledged overall), Netherlands (US\$5.0 million pledged overall), Australia (US\$3.4 million pledged overall), Austria (US\$1.2 million pledged overall), Norway (US\$1.3 million pledged to the Fund) and Sweden (US\$6.0 million pledged towards de-mining R&D, including US\$1.0 million to the Fund).

CHAIRMAN'S ROLLING TEXT

Article 1

[Material] Scope of Application

ALTERNATIVE A:

[1. This Protocol relates to the use on land of the mines, booby-traps and other devices defined herein including mines laid to interdict beaches, waterway crossings or river crossings, but does not apply to the use of anti-ship mines at sea or in inland waterways.

2 With the main purpose of protecting the civilian population, this Protocol shall apply in all circumstances including armed conflict and times of peace.

3. Nothing in this Protocol shall be invoked as affecting the purposes and principles contained in the United Nations Charter.

4. The application of the provisions of this Protocol to or by parties to a conflict which are not States parties shall not change their legal status or the legal status of a disputed territory, either explicitly or implicitly.]

ALTERNATIVE B:

[This Protocol relates to the use on land of the mines, booby-traps and other devices defined herein including mines laid to interdict beaches, waterway crossings or river crossings, but does not apply to the use of anti-ship mines at sea or in inland waterways.

2. This Protocol shall apply to situations referred to in Articles 2 and 3 and common to the Geneva Convention of 12th August 1949. This Protocol shall not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence and other acts of a similar nature, as not being armed conflicts.

3. In case of conflicts referred to in para. 2 above that take place in the territory of a High Contracting Party that has accepted this Protocol, the dissident armed groups in its territory shall be automatically bound to apply the prohibitions and restrictions of this Protocol on the same basis.

4. Nothing in this Protocol shall be invoked for the purpose of affecting the

sovereignty of a State or the responsibility of the government, by all legitimate means, to maintain or reestablish law and order in the State or to defend the national unity and territorial integrity of the State.

5. Nothing in this Protocol shall be invoked as a justification for intervening, directly or indirectly, for any reason whatever, in the armed conflict or in the internal or external affairs of the High Contracting Party in the territory of which that conflict occurs.

6. The application of the provisions of this Protocol to Parties to a conflict which are not High Contracting Parties that have accepted this Protocol shall not change their legal status or the legal status of a disputed territory, either explicitly or implicitly.]

Article 2

Definitions

For the purpose of this protocol:

1. "Mine" means a munition placed under, on or near the ground or other surface area and designed to be exploded by the presence, proximity or contact of a person or vehicle.
2. ["Remotely-delivered mine"] means a mine not directly emplaced but delivered by artillery, missile, rocket, mortar, or similar means, or dropped from an aircraft. [Mines delivered from a land-based system from less than 500 metres are not considered to be "remotely delivered.]"
3. "Anti-personnel mine" means a mine [designed to be] exploded by the presence, proximity or contact of a person and that will incapacitate, injure or kill one or more persons.
4. "Booby-trap" means any device or material which is designed, constructed, or adapted to kill or injure, and which functions unexpectedly when a person disturbs or approaches an apparently harmless object or performs an apparently safe act.
5. "Other devices" means manually emplaced munitions and devices designed to kill, injure or damage and which are actuated [by remote control or] automatically after a lapse of time.
6. "Military objective" means, so far as objects are concerned, any object which by its nature, location, purpose or use makes an effective contribution to military action and whose total or partial destruction, capture or neutralization, in

the circumstances ruling at the time, offers a definite military advantage.

7. "Civilian objects" are all objects which are not military objectives as defined in paragraph 6.

8. "Minefield" is a defined area in which mines have been emplaced and "Mined area" is an area which is dangerous due to the presence [or suspected presence] of mines.

9. "Recording" means a physical, administrative and technical operation designed to obtain, for the purpose of registration in the official records, all available information facilitating the location of minefields, mined areas, mines, booby-traps and other devices.

10. ~~"Self destructing mechanism" means an incorporated automatically functioning mechanism which secures the destruction of a munition.~~

11. "Self neutralizing mechanism" means an incorporated automatically functioning mechanism which renders a munition inoperable.

[12. "Self deactivating" means automatically rendering a munition inoperable by means of the irreversible exhaustion of a component that is essential to the operation of the munition.]

[13. "Remote control" means a control by commands from a distance.]

[14. "Anti-handling device" means a device by which a mine will explode when an attempt is made to remove, neutralize or destroy the mine.]

or ["Anti-handling device" means a device to protect a munition against removal.]

Article 3

General restrictions on the use of mines, booby-traps and other devices

1. The Article applies to:

(a) mines;

(b) booby-traps; and

(c) other devices.

2. Each State party or party to a conflict is, in accordance with the provisions

9. Effective advance warning shall be given of any emplacement of mines, booby-traps and other devices which may affect the civilian population, unless circumstances do not permit.

[10. Restrictions and prohibitions in this Protocol shall facilitate the ultimate goal of a complete ban on the production, stockpiling, use and trade of anti-personnel landmines.]

Article 4

Restrictions on the use of anti-personnel mines other than [remotely delivered mines,] [booby-traps] and other devices

1. This Article applies to:

- (a) Anti-personal mines other than [remotely delivered mines];
- (b) [booby-traps;] and
- (c) other devices.

2. It is prohibited to use weapons to which this Article applies which are not self-destructing¹, unless:

(a) they are placed within a perimeter-marked area that is monitored by military personnel and protected by fencing or other means, to ensure the effective exclusion of civilians from the area. The marking must be of a distinct and durable character and must at least be visible to a person who is about to enter the perimeter-marked area; and

(b) they are cleared before the area is abandoned, unless the area is turned over to the forces of another State that accept responsibility for the maintenance of the protection required by this Article and the subsequent clearance of those weapons.

3. A party to the conflict is relieved from further compliance with the provisions of subparagraphs 2 (a) and 2 (b) above only if such compliance is not feasible due to forcible loss of control of the area as a result of enemy military action, including situations where direct enemy military action makes it impossible to comply. If the party of the conflict regains control of the area, it shall resume compliance with the provisions of subparagraphs 2 (a) and 2 (b).

4. If the forces of a party to the conflict gain control of an area in which

¹The chapeau of para.2 will require reconsideration in the light of discussion on, inter alia, the Technical Annex and Article 6 bis.

of this Protocol, responsible for all mines, booby-traps, and other devices employed by it and undertakes to clear, remove or destroy them as specified in Article 9 of this Protocol.

3. It is prohibited in all circumstances to use any [mine,] booby-trap or other device which is designed to cause superfluous injury or unnecessary suffering.

4. [All weapons] to which this Article applies shall meet the relevant standards [for armed period, reliability, [detectability,] design and construction] as specified in the Technical Annex.

5. It is prohibited in all circumstances to direct weapons to which this Article applies, either in offence, defence or by way of reprisals, against the civilian population as such or against individual civilians.

6. The indiscriminate use of weapons to which this Article applies is prohibited. Indiscriminate use is any placement of such weapons:

(a) which is not on, or directed against, a military objective; or

(b) which employs a method or means of delivery which cannot be directed at a specific military objective; or

(c) which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.

[7. Several clearly separated and distinct military objectives located in a city, town, village or other area containing a similar concentration of civilians or civilian objects cannot be treated as a single military objective.]

8. All feasible precautions shall be taken to protect civilians from the effects of weapons to which this Article applies. Feasible precautions are those precautions which are practicable or practically possible taking into account all circumstances ruling at the time, including humanitarian and military considerations. These circumstances include, but are not limited to:

(a) the short and long term effect of landmines upon the local civilian population for the duration of the minefield;

(b) possible measures to protect civilians (e.g., fencing, signs, warning and monitoring);

(c) the availability and feasibility of using alternatives; and

(d) the short and long-term military requirements for a minefield.

weapons to which this Article applies have been laid, such forces, shall, to the maximum extent feasible, maintain and, if necessary, establish the protections required by this Article until such weapons have been cleared.

5. States parties shall take all feasible measures to prevent the unauthorized removal, defacement, destruction or concealment, of any device, system or material used to establish the perimeter of a perimeter-marked area.

6. [To facilitate clearance, it is prohibited to use [antipersonnel] mines which are not in compliance with the provisions on detectability in the Technical Annex.]

Article 5

[Restrictions on the use of remotely delivered mines

It is prohibited to use remotely delivered mines which are not self-destructing.]

Article 5 bis

[Prohibitions on the use of [anti-personnel] mines which are not detectable²

It is prohibited to use [anti-personnel] mines which are not in compliance with the provisions on detectability in the Technical Annex.]

Article 6

Prohibitions on the use of booby-traps and other devices

1. Without prejudice to the rules of international law applicable in armed conflict relating to treachery and perfidy, it is prohibited in all circumstances to use booby-traps and other devices which are in any way attached to or associated with:

²Acceptance of this proposal would entail:

- (a) deletion of the word "detectability" from Article 3, para.4;
- (b) deletion of Article 4, para.6;
- (c) deletion of the square brackets in the Technical Annex around the word "mines" in the chapeau of para.2, around the word "mine" in para.2(a), and around the word "mines" in para.2 (b).

- (a) internationally recognized protective emblems, signs or signals;
- (b) sick, wounded or dead persons;
- (c) burial or cremation sites or graves;
- (d) medical facilities, medical equipment, medical supplies or medical transportation;
- (e) children's toys or other portable objects or products specially designed for feeding, health, hygiene, clothing or education of children;
- (f) food or drink;
- (g) kitchen utensils or appliances except in military establishments, military locations or military supply depots;
- (h) objects clearly of a religious nature;
- (i) historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples;
- (j) animals or their carcasses.

2. It is prohibited to use booby-traps [and other devices] in the form of an apparently harmless portable object which is specifically designed and constructed to contain explosive material.

[3. It is prohibited to use booby-traps in armed conflicts not of an international character.]

Article 6 bis³

[Prohibition of the use, development, manufacture, stockpiling and transfer of certain mines and booby-traps]

[1. It is prohibited to use, develop, manufacture, stockpile or transfer, directly or indirectly:

- Anti-personnel mines defined in Article 2, [paragraph 3] of this Protocol; and]

³The inclusion of the issue of development, manufacture, stockpiling and transfer of mines, booby traps and other devices is not accepted by all delegations.

- [Anti-personnel mines without self-destruction or selfneutralizing mechanisms]

[- Booby-traps defined in Article 2, [paragraph 4] of this Protocol.]

2. The States parties undertake to destroy the weapons to which this article applies and which are in their ownership and/or possession.]

[3. It is prohibited to use [, manufacture, stockpile or transfer] [anti-personnel] mines which cannot be detected, that is, which cannot be identified using widely available equipment such as electro-magnetic mine detectors [as specified in the Technical Annex].

[4. The States parties shall notify the Depositary of all stockpiles of weapons to which this Article applies and undertake to destroy them within a period of ... years. The States shall report annually on the progress made regarding implementation of paragraph 3 of this Article.]

Article 6 ter
[Transfers⁴]

[In order to prevent the use of mines contrary to the purposes of this Protocol, each High Contracting Party:

1. Undertakes not to provide any mines to non-State entities;
2. Undertakes not to transfer⁵ any mines to States which are not bound by this Protocol;
3. Undertakes not to transfer to any other High Contracting Party any mines the use of which is prohibited in all circumstances;
4. Shall ensure that in transferring to other High Contracting Parties bound by this Protocol any mines the use of which is restricted under this Protocol, the receiving High Contracting Party agrees to comply with the relevant provisions of international humanitarian law.]

⁴This article is without prejudice to the position of delegations on the issue of prohibitions or restrictions on the production and stockpiling of certain conventional weapons.

⁵It is understood that "transfers" involve, in addition to the physical movement of mines into or from national territory, the transfer of title to and control over the mines.

Article 7

Recording and Use of information on minefields, mined areas, mines, booby-traps and other devices

1. All information concerning minefields, mined areas, mines, booby-traps and other devices shall be recorded in accordance with the provisions of the Technical Annex.
2. All such records shall be retained by the parties, who shall without delay after [the cessation of active hostilities] [the effective cessation of hostilities and the meaningful withdrawal of forces from the combat zones]:
 - (a) Take all necessary and appropriate measures, including the use of such information, to protect civilians from the effects of the minefields, mined areas, mines, booby-traps and other devices and,
 - (b) Make available to the other party or parties to the conflict concerned and to the Secretary-General of the United Nations all such information in their possession concerning minefields, mined areas, mines, booby-traps and other devices laid by them in areas no longer under their control.
3. This Article is without prejudice to the provisions of Article 8 of this Protocol.

Article 8

[Protection from the effects of minefields; mined areas; mines; booby-traps and other devices

1. When an operation covered by the [Convention on the Safety of United Nations and Associated Personnel] is taking place in any area, each party to the conflict, if requested by the head of the operation, shall make available to the head of the operation all information in the party's possession concerning the location of minefields, mined areas, mines, booby traps and other devices in that area and in order to protect personnel covered by the above mentioned Convention who are participating in such operations shall, as far as it is able;
 - (a) remove or render harmless all mines, booby traps or other devices in that area; and
 - (b) take such measures as may be necessary to protect such personnel from the

conflict, each party, if requested by the head of that mission shall, to the extent feasible, provide to that mission and its personnel the protections described in subparagraphs I(a) and (b) and shall, as far as it is able identify to the head of that mission all areas where minefields, mined areas, mines, booby traps and other devices which may impede the performance of those functions are known or believed to be located.

3. When a United Nations fact-finding mission or other factfinding mission with the consent of the parties, not otherwise covered by this article performs functions in any area, each party to the conflict concerned shall provide protection to that mission except where, because of the size of such mission, it cannot adequately provide such protection. In that case it shall make available to the head of the mission the information in its possession concerning the location of minefields, mined areas, mines, booby-traps and other devices in that area.

[4. Nothing in this Convention shall affect the rights and obligations of United Nations' and Associated Personnel as set out in the Convention referred to in paragraph 1 above.]

Article 9

Removal of minefields, mined areas, mines, booby-traps and other devices [and international cooperation]

1. [Without delay] after [the cessation of active hostilities] [the effective cessation of hostilities and the meaningful withdrawal of forces from the combat zone] all minefields, mined areas, mines, booby-traps and other devices shall be cleared, removed, destroyed or maintained in accordance with Article 3 and paragraph 2 of Article 4 of this Protocol.

(a) Each party bears such responsibility with respect to minefields, mined areas, booby-traps and other devices in areas under its control.

(b) With respect to minefields, mined areas, mines, booby-traps and other devices laid by a party in areas over which it no longer exercises control, such party shall provide to the responsible party pursuant to paragraph I(a) above, to the extent permitted by such party, technical and material assistance necessary to fulfil such responsibility.

2. At all times necessary, the parties shall endeavour to reach agreement, both among themselves and, where appropriate, with other States and with

effects of mines, booby traps and other devices.⁶

2(a) When a mission of a [regional arrangement or agency acting under Chapter VIII of the Charter of the United Nations] performs functions in any area with the consent of the parties to a conflict, each party, if requested by the head of that mission, shall make available to the head of that mission all information in the party's possession concerning the location of minefields, mined areas, mines, booby traps and other devices in that area and shall, as far as it is able, provide to the mission and its personnel the protections described in sub-paragraphs 1(a) and (b);

[2(b) When a mission of the International Committee of the Red Cross performs functions assigned to it by the Geneva Conventions of 1949 and their Additional Protocols of 1977, or a humanitarian mission of the United Nations' system not otherwise covered by this article performs functions with the consent of the parties to the conflict, each party, if requested by the head of that mission, shall, to the extent feasible, provide to that mission and its personnel the protections described in sub-paragraph 1(a) and (b) and shall, as far as it is able, identify to the head of that mission minefields, mined areas, mines, booby traps and other devices in the area where those functions are being performed [and provide safe access either through the clearance of a lane through minefields or by designating an alternative land route that will permit the accomplishment of these mandated missions].]

2(c) When the mission of an [impartial humanitarian organization] not otherwise covered by this article, performs functions with the consent of the parties to a

⁶The following alternative drafting of paragraph 1 has been suggested:

1. When an operation covered by the Convention on the Safety of United Nations and Associated Personnel is taking place in any area, each party to the conflict, if requested by the head of the operation in order to protect personnel covered by the above mentioned Convention who are participating in such operations shall, as far as it is able:

(a) make available to the head of the operation all information in the party's possession concerning the location of minefields, mined areas, mines, booby traps and other devices in that area.

(b) remove or render harmless all mines, booby traps or other devices in that area; and

(c) take such measures as may be necessary to protect such personnel from the effects of mines, booby traps and other

Consequential reshuffling of wording and change in numbering in certain subsequent paragraphs may be necessary.

international organizations, [on the provision of technical and material assistance,]⁷ including, in appropriate circumstances, undertaking of joint operations, necessary to fulfil such responsibilities.

Article 9 bis

Technological Cooperation and Assistance in Mine Clearance and Implementation of Protocol II

1. Each State party shall undertake to facilitate [and shall have the right to participate in] the [fullest possible] exchange of equipment, material and scientific and technological information concerning the implementation of this Protocol and means of mine clearance. [The States parties shall undertake not to maintain or impose any restrictions on the transfer of equipment or technology for mine clearance.]
2. Each State party undertakes [to give careful consideration to providing] [to provide] such assistance through the United Nations, international bodies,⁸ or on a bilateral basis.

Mine Clearance

3. The States parties shall undertake to provide information concerning various means and technologies of mine clearance to the data bank established within the United Nations system.
4. The coordinated mine-clearance programme established within the United Nations as per in the UNGA Resolution 48/7 adopted without a vote, shall also, within the resources available to it, and at the request of a State party, provide expert advice and assist the State party in identifying how its programmes for the mine clearance could be implemented.
5. Each State party undertakes to provide assistance through the UN coordinated programme and other relevant UN bodies and to this end to elect to take one of the following two measures:

(a) to contribute to the voluntary fund for assistance, established by UN coordinated programme;

⁷Paragraph 2 will be finalized in light of the final text of Article 9 bis.

⁸The issue of a possible decision-making or a consultative mechanism will be further considered.

(b) to declare not later than 90 days after the amended protocol II enters into force for it, the kind of assistance it might provide in response to an appeal by the UN coordinated programme. If, however, a State party subsequently is unable to provide the assistance envisaged in its declaration it is still under the obligation to provide assistance in accordance with this paragraph.]

6. Requests by States parties for assistance, substantiated by relevant information, may be submitted to the United Nations, to other appropriate bodies or to other States. These requests [may be provided] to the Depositary, which shall transmit them to all States parties and relevant international organizations. [Subsequently after the receipt of the request an [investigation] [assessment by the United Nations coordinated programme] [shall] [may] be initiated in order to provide foundation for further action.] The Depositary shall [,as appropriate,] provide a report to States parties on the facts relevant to these requests, as well as the type and scope of assistance that may be needed.

Implementation of Protocol II

7. The States parties shall undertake to provide information [to the Depositary] [to the Commission] concerning the implementation of this Protocol, including meeting the requirements for selfdestructing and other features, as specified in this Protocol.

[8. Upon receiving the request from the State party for any technical assistance, [the Depositary] [the Commission] will render this assistance free of cost.

It will employ all possible means at its disposal to ensure:

(a) Transfer of technology from advanced nations to the developing countries for acquisition on no cost basis;

(b) Allocate requisite funds for the assistance through United Nations coordinated programme.]

Technical Annex

1. Recording

(a) The recording of the location of mines other than [remotely delivered mines,] minefields, mined areas, [areas of] booby-traps and other devices shall be done in accordance with the following:

(i) The location of the minefields, [mined areas], [areas of] booby-traps and other devices shall be specified accurately by relation to the coordinates of at least two reference points and the estimated dimensions of the area containing these devices in relation to those reference points.

(ii) Maps, diagrams or other records shall be made in such a way as to indicate the location of minefields, mined areas, [booby-traps] and other devices in relation to reference points, these records shall also indicate their perimeters and extent.

(iii) For purposes of detection and clearance of mines, [booby-traps] and other devices, maps, diagrams or other records shall contain complete information on the type, number, emplacing method, type of fuse and life time, date [and time] of laying and other relevant information of all the munitions laid. Whenever feasible the minefield record shall show the exact location of every mine; except in row minefields where the row location is sufficient.

(b) The estimated location and area of remotely delivered mines shall be specified by coordinates of reference points (normally corner points) and shall be ascertained and when feasible marked on the ground at the earliest opportunity. The total number and type of mines laid, the date [and time] of laying and the self destruction time periods shall also be recorded.

(c) Copies of records are to be held at a level of command sufficient to guarantee their safety [as far as possible].

2. Detectability of [anti-personnel] [mines]

(a) [A sufficient quantity of not easily removable material or any appropriate device, incorporating detectability equivalent to 8 grams of iron in a single coherent mass, to enable detection by commonly available technical detection equipment shall be placed in or on every [anti-personnel] [mine] emplaced.]

(b) [All [anti-personnel][mines] shall have irremovable metallic elements in their construction to enable detection and [clearance by standard mine-sensing devices].]

[(c) No [anti-personnel] [mines], [booby-traps] and other devices may be designed such that they will detonate by the operation of standard mine-sensing devices.]

3. Specifications for self-destructing anti-personnel mines

Anti-personnel mines required by Article 4, paragraph 2 and Article 5 of this Protocol to be self-destructing shall be designed and constructed so that no more than [1 in every 1000] activated will fail to self-destruct [after no more than 7-90 days];¹ [and they shall have a [back-up feature] [self-deactivation feature], designed and constructed so that the mine will no longer function as a mine [30 - 365 days, with a reliability of 1 in every 1000 surviving mines] [as soon as feasible] if the self-destruction mechanism fails.]

4. International signs for minefields and mined areas

Signs similar to the example in Annex A shall be utilized in the marking of minefields and mined areas. Each sign [shall] [should] meet the following criteria to ensure its visibility and recognition by the civilian population:

(a) Size and shape: a triangle or square no smaller than 28 centimetres (11 inches) by 20 centimetres (7.9 inches) for a triangle, and 15 centimetres (6 inches) per side for a square.

(b) Colour: red or orange with a yellow reflecting border.

(c) Symbol: the symbol illustrated in Annex A, or an alternative readily recognizable in the area in which the sign is to be displayed as identifying a dangerous area.

(d) Language: the sign should contain the word "mines" in one of the six official languages of this Convention (Arabic, Chinese, English, French, Russian and Spanish) and the language(s) prevalent in that area.

(e) Spacing: signs should be placed around the minefield or a mined area at a distance sufficient to ensure their visibility at any point by a civilian approaching the area.

¹The self-destructing time needs to be further discussed in relation to the time of laying/time of activation.

NOTE D'INFORMATION À
L'INTENTION DES MINISTRES
BRIEFING NOTE FOR MINISTERIAL USE

NON CLASSIFIÉ

UNCLASSIFIED

Non-Proliferation, Arms Control and Disarmament Division (IDA)

SUJET - SUBJECT

Canada's Position on the use of Landmines: The Convention on Certain Conventional Weapons (CCW)

SOURCE

A question from Warren Allmand, M.P. on whether Canada will ban the use of landmines as part of our position going into the CCW Review Conference September 25 - October 13 in Vienna.

RÉPONSE SUGGÉRÉE - SUGGESTED REPLY

CANADA HAS NOT EXPORTED LANDMINES SINCE 1987, NOT PRODUCED ANY SINCE 1992 AND NOT USED ANY SINCE THE KOREAN WAR.

CANADA SUPPORTS THE EVENTUAL ELIMINATION OF ANTI-PERSONNEL LANDMINES. FOR THE TIME BEING HOWEVER SUCH AN OBJECTIVE IS UNREALISTIC.

THE IMMEDIATE CHALLENGE IS THE STRENGTHENING OF THE CONVENTION ON CERTAIN CONVENTIONAL WEAPONS.

CANADA HAS BEEN DEEPLY INVOLVED IN THESE ONGOING NEGOTIATIONS TO IMPROVE THE CONVENTION. OUR OBJECTIVE IS TO EXPAND THE CONVENTION SO THAT IT COVERS INTERNAL CONFLICTS, TO MOVE TOWARDS MINES WHICH ARE DETECTABLE, WHICH SELF-DESTRUCT OR SELF-NEUTRALIZE AND TO INTRODUCE A LEGALLY BINDING FRAMEWORK DESIGNED TO REDUCE THE INDISCRIMINATE USE OF SUCH WEAPONS.

WE WILL ALSO BE WORKING AT THE VIENNA CONFERENCE TO ENSURE THAT THERE IS AGREEMENT TO HOLD REGULARLY REVIEWS OF THE TREATY SO THAT WE CAN CONTINUE TO TIGHTEN THE RESTRICTIONS ON THESE WEAPONS.

Consultations: IDD JLO DND/DNACPOL

Préparé par / Prepared by
Mark Gwozdecky

Approbation/Approval Date Tel
Mark Gwozdecky Sept 15 95 995-9282

ASSESSMENT - EVALUATION

Canada ratified the Convention on Certain Conventional Weapons (CCW) on 24 June 1994. To date, 55 countries have ratified the treaty.

A number of countries have declared a moratorium on the export of landmines, including the USA which has a large domestic industry which serves the needs of the US military.

Until this moratorium, SNC of Montreal assembled mines for the Canadian Armed Forces, using some parts imported from the USA.

While Canada has not used landmines in combat since the Korean War, they could be required in extreme circumstances and are necessary for the training of Canadian Armed Forces personnel. While Canada supports an eventual ban on landmines, this goal is a long way off. In the short term the only feasible approach is to seek greater restrictions on, and the responsible use of, landmines. Training is also required for Canadian peacekeepers who have been world leaders in demining activities and who are constantly required to serve in mined areas.

At the Vienna conference to review the CCW, Canada will work to place restrictions on the use of landmines, e.g. by making them detectable and able to self-destruct after a period of time. Canada will seek to expand the scope of the Convention to include internal conflicts as well as international ones. The vast majority of deaths and casualties from landmines happen as a result of their use in civil wars and occur long after the conflicts end.

Canada will also seek an effective transparency and verification regime to ensure that the Convention's terms are adhered to. We believe that such a regime could encourage other countries to ratify the Convention, or at least to adhere to its provisions, thereby placing greater international controls on the indiscriminate use of landmines.

APPENDIX I

Proposals relating to verification and compliance¹

ALTERNATIVE A:^{2 3 4}

[Commission of States parties]

1. For the purposes of this Protocol, a Commission shall be established by the States parties. The Commission of States parties shall meet in Geneva regularly. Any State party may appoint a representative to the Commission. The ICRC shall be invited to participate in the work of the Commission as an observer. The Commission shall consider annual reports provided by the States parties on the implementation of the Protocol. The Commission shall take its decisions by consensus if possible, but otherwise by a majority of members present and voting.

2. Each State party undertakes to provide annually the relevant information to the Commission, i.e.

(a) Progress on implementation of the Protocol II;

(b) Information on mine clearance;

(c) Information on civilian casualties occurring due to deployment of mines in its territory.

3. Each State party undertakes to provide/exchange information with other State parties to promote transparency and credibility for wider adherence to this Protocol requirements/restrictions.

¹Several delegations expressed the view that, whilst not agreeing to every provision of each proposal, the three alternatives A, B and C, were not exclusive but complementary to each other.

²Some delegations consider that elements of this text may be more appropriately addressed through amendment of the Convention, rather than of Protocol II. Further, this text is without prejudice to proposals for more frequent meetings of the Review Conference than currently provided for in the Convention.

³The concept of a "Commission" proposed has not been accepted by a group of States.

⁴A group of delegations considers that the concept of a "Commission" relates to and complements alternatives B and C.

4. Each State party to this Protocol undertakes to facilitate the fullest possible exchange of technological information in order to assist States parties to comply with restrictions/requirements of this Protocol.]

5. The Commission shall also carry out other functions as are necessary for the implementation and review of this Protocol.

6. The costs of the Commission's activities shall be covered by the States parties in accordance with the United Nations scale of assessments, adjusted to allow for differences between the number of States Members of the United Nations and the number of States parties.]

ALTERNATIVE B:⁵

[Article 10 Compliance Monitoring

1. Each State party undertakes to protect civilians from the effects of the use of landmines and for that purpose undertakes to take necessary measures to prohibit and prevent the indiscriminate use of landmines. The measures shall include:

- (a) legislation, if necessary;
- (b) education of military personnel concerned on the relevant provisions of this Protocol;
- (c) dissemination to the civilian population of the information on possible effects of landmines and on signs used for minefields and mined areas;
- (d) appropriate measures to meet the technical requirements set out in this Protocol;
- (e) measures to facilitate the exchange of technical information with other States parties on mine clearance and on the activities it conducted for the purpose of paragraph (d) in this Article;

2. Each State party affirms the recognized objective of prohibiting and preventing the indiscriminate use of landmines and to this end undertakes to provide annual report to the Depository. The report shall contain the following:

- (a) the relevant legislation;
- (b) any measures it has taken to educate the military personnel and to disseminate the relative information for the purpose of this Protocol;

⁵Alternative B has been presented as an alternative text to alternatives A and C and is, according to several delegations, the most appropriate. It is not complementary to any other proposal.

(c) any measure it has taken to meet the technical requirements set out in this Protocol;

(d) information on recovery, destruction or clearance after military use of landmines;

(e) information on casualty to civilian population occurred due to use of such mines in its territory and measures it has taken to redress the situation;

(f) measures it has taken on international technical information exchange and on international cooperation on mine clearance;

3. The Depositary shall distribute the above-mentioned report, upon request, to any other State party.]

ALTERNATIVE C:^{6 7}

Article 10

Verification Commission

1. Each State party shall be entitled to ask the Depositary to convene a Verification Commission, within a period of one week, to conduct an inquiry in order to clarify and resolve any questions relating to possible non-compliance with the provisions of this Protocol concerning the use of mines, booby-traps and other devices. The request for an inquiry shall be accompanied by relevant information and evidence confirming its validity.

2. (a) The Verification Commission, which shall meet in New York, shall be open to the participation of all States parties. Subject to the provisions of both paragraph 3 of this article and paragraph 1 of Article 11, the Verification Commission shall take its decisions by consensus if possible, but otherwise majority of members present and voting.

(b) The costs of the Verification Commission's activity shall be covered by the States parties in accordance with the United Nations scale of assessments, adjusted to allow for differences between the number of States Members of the United Nations and the number of States parties.

3. (a) An inquiry shall be held unless the Verification Commission decides, not later than 48 hours after it has been convened, with a two thirds majority of its members present and voting that the information and evidence produced does not

⁶The concept of verification for this Protocol is not accepted by a group of countries.

⁷One delegation submitted in document CCW/CONF.I/GE/CRP.47 proposals elaborating on this text, which could be developed further.

justify an inquiry.

(b) For the purposes of the inquiry the Verification Commission shall seek useful assistance and relevant information from States parties and international organizations concerned and from any other appropriate sources.

Article 11

Fact-finding missions

1. The inquiry shall be supplemented by evidence collected on the spot or in other places under the jurisdiction or control of the party to the conflict concerned unless the Verification Commission decides with a two thirds majority of its members present and voting that no such evidence is required. The Verification Commission shall notify the party to a conflict concerned of the decision to send a team of experts to conduct a fact-finding mission at least 24 hours before the team of experts is expected to arrive. It shall inform all States parties of the decision taken as soon as possible.
2. For the purposes of paragraph 1 of this article, the Depositary shall prepare a list of qualified experts provided by States parties, and constantly keep this list updated. The experts shall be designated in view of the particular fields of expertise that could be required in a fact-finding mission concerning the alleged use of mines, booby-traps and other devices. The initial list as well as any subsequent change to it shall be communicated, in writing, to each State party without delay. Any qualified expert included in this list shall be regarded as designated unless the State party, not later than thirty days after its receipt of the list declares its non-acceptance, in which event the Verification Commission shall decide whether the expert in question shall be designated.
3. Upon receiving a request from the Verification Commission, the Depositary shall appoint a team of experts from the list of qualified experts, acting in their personal capacity, to conduct a fact-finding mission at the site of the alleged incident. Experts who are nationals of States parties involved in the armed conflict concerned or of States parties which requested the inquiry shall not be chosen. The Depositary shall dispatch the team of experts at the earliest opportunity taking into account the safety of the team.
4. The party to a conflict concerned shall make the necessary arrangements to receive, transport and accommodate the team of experts in any place under its jurisdiction or control.
5. When the team of experts has arrived on the spot, it may hear a statement of information by official representatives of the party to a conflict concerned and may question any person likely to be connected with the alleged violation. The team of experts shall have the right of access to all areas and installations where

evidence of violation of this Protocol could be collected. The party to a conflict concerned may make any arrangements it considers necessary for the protection of sensitive equipment, information and areas unconnected with the subject of the fact-finding mission, or for any constitutional obligations it may have with regard to proprietary rights, searches and seizures, or other constitutional protection or for the protection of the conduct of military operations. In that event, it shall make every reasonable effort to satisfy the legitimate needs of the team of experts through other means.

6. After having completed its fact-finding mission, the team of experts shall submit a report to the Depositary not later than one week after leaving the territory of the State party in question. The report shall summarize the factual findings of the mission related to the alleged non-compliance with the Protocol. The Depositary shall promptly transmit the report of the team of experts to all States parties.

Article 12

Compliance

1. The States parties undertake to consult each other and to cooperate with each other in order to resolve any problems that may arise with regard to the interpretation and application of the provisions of this Protocol.

2. If the Verification Commission concludes, based on the inquiry, including any report of the team of experts referred to in Article 11, paragraph 6, that there has been a violation of the provisions of this Protocol on the use of mines, booby-traps and other devices, the Verification Commission shall, as appropriate, request that the party responsible for the violation take appropriate measures to remedy the situation.

3. If weapons covered by this Protocol have been used in violation of its provisions, the States parties shall consider measures designed to encourage compliance, including collective measures in conformity with international law, and may, in accordance with the UN Charter, refer the issue to the attention of the Security Council.

4. The provisions of the 1949 Geneva Conventions relating to measures for the repression of breaches and grave breaches shall apply to breaches and grave-breaches of this Protocol during armed conflict. Each party to a conflict shall take all appropriate measures to prevent and suppress breaches of this Protocol. Any act or omission occurring during armed conflict in violation of this Protocol, if committed wilfully or wantonly and causing death or serious injury to the civilian population shall be treated as a grave breach. A party to the conflict which violates

the provisions of this Protocol shall, if the case demands, be liable to pay compensation, and shall be responsible for all acts committed by persons forming part of its armed forces. States parties and parties to a conflict shall require that commanders ensure that members of the armed forces under their command are aware of, and comply with, their obligations under this Protocol.]

ANNEX II

Annex II contains a proposal on a new protocol on blinding weapons submitted by the Chairman of the Governmental Group of Experts and widely consulted and discussed in the Group. The text does not, at the present stage, commit any delegation. It is forwarded to the Review Conference for its consideration.

Informal Working Paper submitted by the Chairman

Protocol on Blinding Weapons (Protocol IV)

Article 1

It is prohibited to employ laser beams of a nature to cause permanent blindness [serious damage] against the eyesight of persons as a method of warfare.

Article 2

It is prohibited to [produce and] employ laser weapons primarily designed to blind [permanently];

Article 3

Blinding as an incidental or collateral effect of the legitimate employment of laser beams on the battlefield is not covered by this prohibition.

NEW ZEALAND, IRELAND, AUSTRALIA AND SWEDEN

[Article 8 of the Convention²

Article 8(3)(c) of the Convention signals a need to consider at the first Review Conference the question of periodicity of review meetings. This issue could be addressed either through a decision of the Conference or an amendment to the Convention.]

²The proposal on Article 8 is further elaborated in CCW/CONF.I/GE/CRP.55.

APPENDIX II

Other Proposals¹

RUSSIAN FEDERATION

[Article 5 of the Convention

Entry into Force

1. This Convention shall enter into force three months after the date of deposit of the sixth instrument of ratification, acceptance, approval or accession.

Paragraphs 2, 3 and 4 of this Article to be modified in accordance with the amendments to paragraph 1.]

[Article 9

(a) New paragraphs. Denunciation

1. Any High Contracting Party may, by so notifying the Depositary, denounce this Convention or any of the annexed Protocols upon the expiry of 10 years since the date on which the Convention and any of its Protocols came into force. Such denunciation shall take effect one year after the date on which it is registered.
2. Any High Contracting Party which ratifies this Convention and any of its annexed Protocols and does not, within the year following the expiry of the 10-year period mentioned in the preceding paragraph, exercise the right of denunciation provided for in this article, shall be bound for a further 10-year period and may thereafter denounce this Convention or any of its annexed Protocols upon the expiry of each 10-year period under the terms of this article.

- (b) The first sentence of the existing paragraph 2 to be deleted.]

¹The proposals in Appendix II require further consideration.

CONVENTION ON CERTAIN CONVENTIONAL WEAPONS (CCW)
REVIEW CONFERENCE
25 Sept - 13 Oct 1995

[NB: The possible compromise language concerning verification which follows draws heavily on texts that are already on the table (ie. in the Chairman's Rolling Text). It has not used the Chairman's informal working paper because this does not have official status and it was rejected by the NAM when proposed. Explanatory comments are provided to assist the reader. It is recommended that these comments be stripped from the text before distributing it to other governments, except perhaps close Allies.

The main thrusts of this possible compromise language are three-fold:

1. To draw upon all three alternative texts regarding verification, currently in the Rolling Text, thus providing a little to everyone.
2. To retain as much of the Western proposal as possible but reduce the intrusiveness and confrontational aspects of its verification provisions by moderating the language and by making on-site fact-finding refusable.
3. To incorporate the transparency ideas of the NAM and the review function of the Russian proposal's Commission of State Parties. Note that a periodic Review Conference for the Convention need not conflict with the Commission of State Parties suggested here and by the Russians. The periodic Review Conference would have a broader role in assessing the Convention, including perhaps amending its provisions (eg. its verification system), while the Commission is primarily a forum for more short term implementation of Protocol II.]

POSSIBLE COMPROMISE LANGUAGE ON VERIFICATION

Article 10: National Implementation Measures

1. Each State Party undertakes to protect civilians from the effects of the use of landmines and for that purpose shall, in accordance with its constitutional processes adopt the necessary measures to implement its obligations under this Protocol. In particular it shall:

- (a) enact appropriate legislation, if necessary;
- (b) educate military personnel concerning the relevant provisions of this Protocol;
- (c) disseminate to the civilian population information on possible effects of landmines and on signs used for minefields and mined areas;
- (d) take appropriate measures to meet the technical

requirements set out in this Protocol; and

(e) take measures to facilitate the exchange of technical information with other States Parties on mine clearance and on the activities it conducts for the purpose of sub-paragraph (1) (d) of this Article.

[This text derives mainly from Article 10, Alternative "B" of the Rolling Text (ie. NAM proposal). In addition, the words "in accordance with its constitutional processes... In particular it shall" are taken directly from CW Convention (Article VII). The title also is taken from the CWC. The title the NAM used ("Compliance Monitoring") is inappropriate for these provisions. The title used in the Chairman's informal working paper ("Transparency") while partly applicable, may prove too provocative to some of the NAM.]

[Note that the language of Article 10 (4), (5) and (6) of the Chairman's informal working paper might be a useful alternative to this text, particularly because it incorporates some valuable ideas deriving from Macintosh and Latham's papers tabled by Canada at the Group of Experts meeting in January 95, although it strays a bit from texts that are currently on the table.]

2. On the date of the first anniversary of the entry into force of this Protocol, each State Party shall provide an annual report to the Depository that shall contain the following:

- (a) information on national implementation measures undertaken pursuant to sub-paragraph 1 of this Article;
- (b) information on the recovery, destruction or clearance after military use of landmines;
- (c) information on the occurrence of casualties among the civilian population resulting from the use of landmines on its territory and measures taken to redress such occurrences;

3. On the date of each subsequent anniversary of the entry into force of this Protocol, each State Party shall provide a report to the Depository containing any changes to the information as reported pursuant to sub-paragraph 2 of this Article or if there has been no change provide a report so stating.

[The idea for annual reports in subparag 2 and 3 derives from Article 10 Alternatives "B" (NAM) and "C" (Russia) of the Rolling Text. However, the idea has been modified to allow for an initial report one year after EIF followed by annual updates. This is somewhat analogous to the procedure in CFE. When there is no change, a "nil-report" should be submitted along the lines of the BTWC CBM procedures. The text here has also been shortened compared to the NAM and Russian proposals.]

4. The Depository shall retain the reports submitted pursuant to this Article and distribute copies of any of them upon request to any State Party.

[Basically derives from Article 10 Alternative "B" (NAM) of the Rolling Text.]

Article 11: Commission of States Parties

1. A Commission shall be established by the States Parties and shall meet in [New York/Geneva]. Any State Party may appoint a representative to the Commission. The Commission may invite any State which is not a Party to the Protocol to participate in its deliberations. The ICRC shall be invited to participate in the work of the Commission as an observer. The Commission shall take its decisions by consensus if possible, but otherwise by a majority of members present and voting, unless otherwise stated in this Article.

[This text basically derives from Article 10 Alternative "C" (Russia) of the Rolling Text with some elements from Alternative "A" (West). This sub-paragraph tries to lay out the basic structure of the Commission. Note that the language of Article 10 (1) and (2) of the Chairman's informal working paper outlines in greater detail the responsibilities of the Commission, some of which might be a useful addition, although it strays from texts that are currently on the table.]

2. The Commission shall meet regularly, at least once annually. The Commission shall consider the annual reports provided by the States Parties pursuant to Article 10 of this Protocol and other business relating to this Protocol.

[Basically adapted from Article 10 Alternative "C" (Russia) of the Rolling Text.]

3. The costs of the Commission shall be covered by the States Parties in accordance with the United Nations scale of assessments, adjusted to allow for differences between the number of States Members of the United Nations and the number of States Parties.

[From Article 10 (6) Alternative "C" (Russia) of the Rolling Text.]

Article 12: Compliance

1. The States Parties undertake to consult each other and to cooperate with each other in order to resolve any problems that may arise with regard to the interpretation and application of the provisions of this Protocol.

[Adapted from Article 12 (1) of Alternative "A" (West).]

2. In addition, each State Party shall be entitled to ask the Depository to convene a meeting of the Commission, within a period of one week, to clarify and resolve any questions relating to compliance with the provisions of this Protocol. Such a request shall be accompanied by relevant information and evidence confirming its validity.

[Adapted from Article 10 (1) of Alternative "A" (West) of the Rolling Text. The word "Verification" is deleted from the name of the Commission and the "request" relates to "compliance" rather than "non-compliance" in an effort to make it optically less confrontational. Note that the essential idea in this new sub-parag is to combine the functions of reviewing annual reports and investigating compliance questions in the same Commission.]

3 (a) The Commission shall conduct an inquiry pursuant to a request to clarify and resolve any questions relating to compliance with the provisions of this Protocol, unless the Commission decides, not later than 48 hours after it has been convened, with a two thirds majority of its members present and voting, that the information and evidence produced does not justify an inquiry.

[Adapted from Article 10 (3) (a) of Alternative "A" (West). Note that an inquiry by the Commission would remain obligatory unless the Commission overrules it.]

(b) For the purposes of the inquiry the Commission shall seek useful assistance and relevant information from States Parties and international organizations concerned and from any other appropriate sources.

[From Article 10 (3) (b) of Alternative "A" (West)]

(c) The inquiry may be supplemented by evidence collected on the spot or in other places. If a majority of the members of the Commission present and voting decide, the Commission may request permission of a party to a conflict, to send a team of experts to conduct a fact-finding mission. A party receiving such a request shall respond to the Commission within 48 hours as to whether permission is granted or refused. If permission is refused, the party shall endeavour to provide reasonable assurances concerning compliance with the provisions of this Protocol. The Commission shall inform all States Parties of the decision to make such a request and the response to it.

[Adapted from Article 11 (1) of Alternative "A" (West). Note that the inquiry is conducted by the Commission, while the fact-finding mission (ie. an on-site inspection) is conducted by a team of experts set up by the Depository (ie. the Secretary-General of the UN) at the request of the Commission (see below). The conduct of an intrusive fact-finding mission is made refusable in the hopes that

this may overcome some reticence by the NAM to agree. This approach could be offered as a compromise.

By keeping the inquiry separate from the fact-finding mission and largely obligatory, some authoritative public attention could still be focussed on incidents of non-compliance. If the fact-finding mission is refused, the inquiry will have to rely on evidence from other sources of information for evidence. In the case of such a refusal, a party is still obliged to endeavour to provide "reasonable assurances" (this term is from the CFE Treaty dealing with challenge inspections) keeping some pressure on them to provide an explanation of their refusal. The next evolution of the CCW verification system (ie. at the next RevCon) might attempt to make fact-finding missions non-refusable.]

~~(d) For the purposes of sub-paragraph (3) (c) of this~~
Article, the Depository shall prepare a list of qualified experts provided by States Parties and constantly keep this list updated. The experts shall be designated in view of the particular fields of expertise that could be required in a fact-finding mission concerning compliance with the provisions of this Protocol. The initial list as well as any subsequent change to it shall be communicated, in writing, to each State Party without delay. Any qualified expert included in this list shall be regarded as designated unless the State Party, not later than thirty days after its receipt of the list declares its non-acceptance, in which event the Commission shall decide whether the expert in question shall be designated.

[Adapted from Article 11 (2) of Alternative "A" (West). To further reduce the confrontational/intrusive optics, this parag as well as (e) through (g) below might be deleted, leaving the detail as to how fact-finding missions are to be conducted and the obligations of the receiving party to be worked out on an ad hoc basis. This approach is a second best one, however, as experience from arms control verification suggests that it is usually best to spell out rights and obligations in advance.]

(e) Upon receiving a request from the Commission, the Depository shall appoint a team of experts for the list of qualified experts, acting in their personal capacity, to conduct a fact-finding mission at the site of an alleged incident. Experts who are nationals of States Parties which requested the inquiry shall not be chosen. The Depository shall dispatch the team of experts at the earliest opportunity taking into account the safety of the team.

[Adapted from Article 11 (3) of Alternative "A" (West).]

(f) The party to a conflict concerned, having granted permission to the Commission to send a team of experts to conduct

a fact-finding mission, shall make the necessary arrangements to receive, transport and accommodate the team of experts in any place under its jurisdiction or control.

[Adapted from Article 11 (4) of Alternative "A" (West).]

(g) When the team of experts has arrived on the spot, it may hear a statement of information by official representatives of the party to a conflict concerned and may question any person likely to be connected with the alleged violation. The team of experts shall have the right of access to all areas and installations where evidence of violation of this Protocol could be collected. The party to a conflict concerned may make any arrangements it considers necessary for the protection of sensitive equipment, information and areas unconnected with the subject of the fact-finding mission, or for any constitutional obligations it may have with regard to proprietary rights, searches and seizures, or other constitutional protection or for the protection of the conduct of military operations. In that event, it shall make every reasonable effort to satisfy the legitimate needs of the team of experts through other means.

[Adapted from Article 11 (3) of Alternative "A" (West).]

(h) After having completed its fact-finding mission, the team of experts shall submit a report to the Depository not later than one week after leaving the territory of the party to the conflict. The report shall summarize the factual findings of the mission related to the question of compliance with this Protocol. The report will be submitted to the Commission as part of its inquiry into the question of compliance with this Protocol.

[Adapted from Article 11 (6) of Alternative "A" (West).]

(i) The Commission will prepare a report on its inquiry into the question of compliance with this Protocol, which will contain the reports of any fact-finding missions conducted. The Depository shall promptly transmit the report of the Commission to all States Parties.

[Adapted from Article 11 (6) of Alternative "A" (West). Note that the report of the fact-finding mission is kept different from that of the inquiry.]

(j) If the Commission concludes, based on the inquiry, including any report of the team of experts referred to in Article 12, sub-paragraph (3) (i), that there has been a violation of the provisions of this Protocol on the use of mines, booby-traps and other devices, the Commission shall, as appropriate, request that the party responsible for the violation take appropriate measures to remedy the situation.

[From Article 12 (2) of Alternative "A" (West).]

(k) If weapons covered by this Protocol have been used in violation of its provisions, the States parties shall consider measures designed to encourage compliance, including collective measures in conformity with international law, and may, in accordance with the United Nations Charter, refer the issue to the attention of the Security Council.

[From Article 12 (3) of Alternative "A" (West).]

(l) The provisions of the 1949 Geneva Conventions relating to measures for the repression of breaches and grave breaches shall apply to breaches and grave breaches of this Protocol during armed conflict. ~~Each party to a conflict shall take all~~ appropriate measures to prevent and suppress breaches of this Protocol. Any act or omission occurring during armed conflict in violation of this Protocol, if committed wilfully or wantonly and causing death or serious injury to the civilian population shall be treated as a grave breach. A party to the conflict which violates the provisions of this Protocol shall, if the case demands, be liable to pay compensation, and shall be responsible for all acts committed by persons forming part of its armed forces. States parties and parties to a conflict shall require that commanders ensure that members of the armed forces under their command are aware of, and comply with, their obligations under this Protocol.

[From Article 12 (4) of Alternative "A" (West).]

GROUP OF GOVERNMENTAL EXPERTS TO
PREPARE THE REVIEW CONFERENCE OF THE
STATES PARTIES TO THE CONVENTION ON
PROHIBITIONS OR RESTRICTIONS ON THE USE
OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY
BE DEEMED TO BE EXCESSIVELY INJURIOUS
OR TO HAVE INDISCRIMINATE EFFECTS

Fourth session
Geneva, 9-20 January 1995

Proposal submitted by the delegations of Australia, Canada, France,
Germany, New Zealand, Norway, the United States

Article 10

Verification Commission

1. Each State party shall be entitled to ask the Depositary to convene a Verification Commission, within a period of one week, to conduct an inquiry in order to clarify and resolve any questions relating to possible non-compliance with the provisions of this Protocol concerning the use of mines, booby-traps and other devices. The request for an inquiry shall be accompanied by relevant information and evidence confirming its validity.

2. (a) The Verification Commission, which shall meet in New York, shall be open to the participation of all States parties. Subject to the provisions of both paragraph 3 of this article and paragraph 1 of Article 11, the Verification Commission shall take its decisions by consensus if possible, but otherwise by a majority of members present and voting.

(b) The costs of the Verification Commission's activity shall be covered by the States parties in accordance with the United Nations scale of assessments, adjusted to allow for differences between the number of States Members of the United Nations and the number of States parties.

3. (a) An inquiry shall be held unless the Verification Commission decides, not later than 48 hours after it has been convened, with a two thirds majority of its members present and voting that the information and evidence produced does not justify an inquiry.

(b) For the purposes of the inquiry the Verification Commission shall seek useful assistance and relevant information from States parties and international organizations concerned and from any other appropriate sources.

Article 11

Fact-finding missions

1. The inquiry shall be supplemented by evidence collected on the spot or in other places under the jurisdiction or control of the party to the conflict concerned unless the Verification Commission decides with a two thirds majority of its members present and voting that no such evidence is required. The Verification Commission shall notify the party to a conflict concerned of the decision to send a team of experts to conduct a fact-finding mission at least 24 hours before the team of experts is expected to arrive. It shall inform all States parties of the decision taken as soon as possible.

2. For the purposes of paragraph 1 of this article, the Depositary shall prepare a list of qualified experts provided by States parties, and constantly keep this list updated. The experts shall be designated in view of the particular fields of expertise that could be required in a fact-finding mission concerning the alleged use of mines, booby-traps and other devices. The initial list as well as any subsequent change to it shall be communicated, in writing, to each State party without delay. Any qualified expert included in this list shall be regarded as designated unless the State party, not later than thirty days after its receipt of the list declares its non-acceptance, in which event the Verification Commission shall decide whether the expert in question shall be designated.

3. Upon receiving a request from the Verification Commission, the Depositary shall appoint a team of experts from the list of qualified experts, acting in their personal capacity, to conduct a fact-finding mission at the site of the alleged incident. Experts who are nationals of States parties involved in the armed conflict concerned or of States parties which requested the inquiry shall not be chosen. The Depositary shall dispatch the team of experts at the earliest opportunity taking into account the safety of the team.

4. The party to a conflict concerned shall make the necessary arrangements to receive, transport and accommodate the team of experts in any place under its jurisdiction or control.

5. When the team of experts has arrived on the spot, it may hear a statement of information by official representatives of the party to a conflict concerned and may question any person likely to be connected with the alleged violation. The team of experts shall have the right of access to all areas and installations where evidence of violation of this Protocol could be collected. The party to a conflict concerned may make any arrangements it considers necessary for the protection of sensitive equipment, information and areas unconnected with the subject of the fact-finding mission, or for any constitutional obligations it may have with regard to proprietary rights, searches and seizures, or other constitutional protection or for the protection of the conduct of military operations. In that event, it shall make every reasonable effort to satisfy the legitimate needs of the team of experts through other means.

6. After having completed its fact-finding mission, the team of experts shall submit a report to the Depositary not later than one week after leaving the territory of the State party in question. The report shall summarize the factual findings of the mission related to the alleged non-compliance with the Protocol. The Depositary shall promptly transmit the report of the team of experts to all States parties.

Article 12

Compliance

1. The States parties undertake to consult each other and to cooperate with each other in order to resolve any problems that may arise with regard to the interpretation and application of the provisions of this Protocol.
2. If the Verification Commission concludes, based on the inquiry, including any report of the team of experts referred to in Article 11, paragraph 6, that there has been a violation of the provisions of this Protocol on the use of mines, booby-traps and other devices, the Verification Commission shall, as appropriate, request that the party responsible for the violation take appropriate measures to remedy the situation.
3. If weapons covered by this Protocol have been used in violation of its provisions, the States parties shall consider measures designed to encourage compliance, including collective measures in conformity with international law, and may, in accordance with the UN Charter, refer the issue to the attention of the Security Council.
4. The provisions of the 1949 Geneva Conventions relating to measures for the repression of breaches and grave breaches shall apply to breaches and grave breaches of this Protocol during armed conflict. Each party to a conflict shall take all appropriate measures to prevent and suppress breaches of this Protocol. Any act or omission occurring during armed conflict in violation of this Protocol, if committed wilfully or wantonly and causing death or serious injury to the civilian population shall be treated as a grave breach. A party to the conflict which violates the provisions of this Protocol shall, if the case demands, be liable to pay compensation, and shall be responsible for all acts committed by persons forming part of its armed forces. States parties and parties to a conflict shall require that commanders ensure that members of the armed forces under their command are aware of, and comply with, their obligations under this Protocol.

VI. CITED PRODUCERS OF LANDMINES, LANDMINE PARTS OR LANDMINE DISTRIBUTION SYSTEMS
IN THE EUROPEAN UNION (as of May 1995)

This is a provisional, probably incomplete list of companies in the EU which have been quoted as producing mines. The companies have been cited in various recent publications, or have advertised themselves as being producers of landmines, or parts of landmines, or landmine distribution systems. This does not of course make it certain that any cited company actually does produce mines, or mine parts or mine systems.

Austria

	<i>Information Source</i>
Armaturen - Gesellschaft GmbH	1, 2, 3
Dynamit - Nobel Wien	1
Dynamit - Nobel Graz	3
Hirtenberger AG	1, 3
Sudsteirische Metall-Industrie GmbH	1
INTERTECHNIK Techn. Produktionen	3, 4a

Belgium

Giat Industries - (PRB SA)	1, 2, 3
FN Herstal	3

France

Société d'Armement et d'Etudes Alsetex	1, 3, 5
Giat	2, 3, 4a, 4b, 4c, 4d, 4e, 6, 7
Lacroix	3, 21
Luchoire Défense	3
Manurhin Défense	3, 4b
Matra Défense	3
Ruggieri	3, 6, 4f
SNPE (components)	3
Thomson-TRT Défense	4a, 4d, 4e, 4g,
Thomson Brandt Industries	3, 7
Etienne Lacroix	4a

Germany

ACF Schönebeck,	8
Buck Werke Bad Reichenhall und Neuenburg	8
Deutsche Aerospace (DASA), Munich	8
Diehl	1, 3, 8
Daimler-Benz	1
Dynamit Nobel AG, Defence Technology	1, 3, 4a, 4d, 4g, 8, 11

Gerätebau Brieseland, Falkensee/Breiselang	8
Rheinmetal GmbH	1, 4g, 3
Messerschmidt - Bolkow-Blohm (MBB)	6
Gebr. Junghans GmbH	9
Honeywell Rregelsyterne GmbH	8, 9
Krauss Maffei	3
Kuko Schweißanlagen & Roboter GmbH, Augsburg	8
MLRS-EP3/Europäische Produktionsgesellschaft, Ottobrunn	8
Comet GmbH	9
Mauser Werke - Oberndorf GmbH	9, 10
RTG	9
Sensys AG, Neuss/Uedesheim	8
Wegmann & Co	8
 <u>Greece</u>	
Elviemek SA	1
Hellenic Arms Industry SA	1, 2
 <u>Italy</u>	
Fiat Group - BPD Ditesa e Spazio	1, 12
Tecnovar Italiana SpA	1, 13
Valsella Meccanotecnica SpA	4a, 4g, 4i, 4k, 4l, 4m, 4n, 4o, 4p, 4q, 4r, 4s, 4t, 4u, 14, 15
 <u>Netherlands</u>	
Eurometaal	1, 4a, 6, 16
 <u>Portugal</u>	
Explosives da Trafaria, S.A.R.L.	1, 6
SPEL	3, 4i, 6
 <u>Spain</u>	
Explosives Alaveses SA	1, 3, 4a, 4e, 4g, 4i, 4n, 4p, 6
Arm Scor, EXPAL SA	2
 <u>Sweden</u>	
Celsius AB	1, 2
Bofors	1, 3
Lindesbergs Industrier AB	1
 <u>United Kingdom</u>	
British Aerospace - Royal Ordnance	1, 3, 17, 18, 19
British Aerospace Dynamics	4b
Babcock Energy	19
Gallant Ordnance	19
Gracemoor (M)	19
GEC-Marconi Underwater Weapons d.	4l, 4m, 4n
Graseby Dynamics Ltd	4a, 4b, 4e, 4g, 4q, 19
Hunting Engineering	4l, 4m, 4r, 4t, 19, 20
Interarms (UK) Ltd	4a, 4d, 4e, 4q
Plelite	19
Marconi Radar & Control Sys	4r, 4u
Motorola Ltd	4d, 4g
VSEL Armaments Div	4l, 4r, 4s, 4t, 4u.

Information Sources

1. Information Source: "Landmines - A Deadly Legacy." The Arms Project of Human Rights Watch and Physicians for Human Rights, 1993 (USA) , Human Rights Watch, New York.
2. Cited in an article published by Greenpeace, France - Summer 1994.
3. Mine Producers at Eurosatory, a European Exhibition of weapons of land based destruction, Paris le Bourget, 20-25 June 1994: a list produced and published by Greenpeace France. 1994.
4. Listed in "International Defence Directory" 1995, page 979, under the category.....
 - a) mines, land, anti-tank.
 - b) mines, land, anti-tank, surface, off-route.
 - c) mines, land, general purpose.
 - d) mines, land, launched/laid.
 - e) mines, land anti-personnel.
 - f) mines, land, noise generating.
 - g) mines, land, anti-tank, surface.
 - h) mines, land, anti-tank, surface.
 - i) mines, land, bounding..
 - k) mines, land, anti-vehicle, surface.
 - l) mine systems.
 - m) mine systems, air launched.
 - n) mine systems, helicopter-launched.
 - o) Listed under all the following categories: Mines, land launched/laid: Mines, land anti-personnel: Mines, land anti-personnel, Claymore type; Mines, land anti-tank; and Mines, land, general purpose.
 - p) mines, land, non-metallic.
 - q) mines, land anti-personnel, scatter,
 - r) mine systems, ground based.
 - s) mine systems, vehicle launched/laid
 - t) mine systems, vehicle launched/laid, scatter type,
 - u) mine systems, vehicle launched/laid; bar mine type,
5. Promotional material by SAE Aloetex, Paris. "The FI model directed effort antipersonnel mine is a fixed mine designed to prevent passage or to protect zones. Characteristics: On operation, the detonation of the explosive projects spherical splinters into a previously sited zone. The mine can be initiated from several types of ignitions in service: mechanical, electrical or electronic. The mine can also be remote controlled". plus "mine adopted by the French Army and mass manufactured."
6. Information Source: List from Handicap International, Brussels , Oct 1993, citing Human Rights Watch as their main source.
7. "In France, the 'Minotaur' system, produced by GIAT industries or the BL3-66 'Belouga', made by Thomson Brandt Armements, are devices conceived to lay mines from a distance", according to a Greenpeace (France) publication in Summer 1994.
8. Information Source: "Das Bild der Welt als kontrollierter Explosivekörper", published by Medico International, 1993.
9. Information Source: List from RIB Rustungs - Informationsburo Baden-Wuerttemberg e.V. (Feb 1995) citing as source "Medico International".
10. Patent for antipersonnel fragmentation landmine, application number 30725/77 (22) filed 21 July 1977 in Fed Rep. of Germany. Complete specification published 13 May 1981.
11. Promotional material by Dynamit Nobel. "The Dynamite Family of Mines" 'Antitank (AT) and antipersonnel (AP) mines which before could only be employed in friendly terrain by procedures which were costly in terms of

manpower and time can now be replaced by a variety of methods such as:- deployment by vehicular mine landing systems, distribution by artillery weapon systems and mortars, ejection from helicopters, throwing from helicopters and hand-laying. Dynamit Nobel Anti-personnel (AP) mine: "(a)fter emplacement and orientation, the AP mine ejects additional tripwires of a length of approx 12 meters which detonate the mine upon contact. The warhead is hurled up to the height of some 8 meters and detonates. Its high energy fragments spread towards the ground & sideways." "The German Bundeswehr uses the Engineers Mine Launching System (MIWS) to rapidly and accurately lay mine fields of varying densities, adapted to the mission on hand and to the available terrain." plus "the ammunition unit can be modified to achieve longer landing distances."

12. "Amongst the famous mines in this category (placed from a distance) is the Italian SB-33 'available in full colour' as the producer, BPD Ditesa e Spazio, says" Quote from an article published by Greenpeace, France - Summer 1994.

13. Promotional material by Tecnovar Italiana SpA. Group Headquartered Bari, Italy. "Tecnovar's Dat System allows anti-tank mines, anti-personnel mines or, if it is the case, anti-tank together with anti-personnel mines to be scattered swiftly by helicopter." "The Dat strategic capacity responds to many contingent requirements such as..... deployment of mines in undefended territory."

14. Valsella Meccanotecnica SpA, 25014 Castenedolo, (Brescia) Italy. Promotional material for VS-MK14 antipersonnel mine, produced by Valsella: "The VS-MK14 anti-personnel mine is an all-plastic mine fitted with a pressure fuse, suitable both for conventional laying and for scattering from ground vehicles, helicopters or low-flying aircraft..... the VS-MK2.... has an increased casualty effectiveness. A unique anti shock device makes the mine immune from explosive countermeasures. The mine is non-magnetic, waterproof and has a long storage and field life. VS-MK2 is in service with the Italian Army."

Further promotional material for Valsella - "Valmara 69 antipersonnel mine is a jumping-type mine. To obtain a more effective fragmentation pattern, the main charge, surrounded by more than 1000 splinters, is projected about 45cm into the air by a propelling charge before exploding. The casualty radius is at least 25m. Within this radius the mine is lethal. The Valmara 69 is currently in service with the Italian Army."

15. "The largest contract known of in the 1980's was signed between Valsella and the Iraqi government: 8 million mines in one go." Quote from an article published by Greenpeace, France - Summer 1994;

16. Promotional material for Eurometaal NV, Hemkade 18, 1500 Ek Zaandem: "The Eurometaal product range covers..... mines."

17. UK patent Application for explosive mine - Royal Ordnance plc: date of filing 9 June 1987.

18. Asian Defence Journal May '92, p103. "Royal Ordnance will jointly bid for the UK Ministry of Defence's mines in the new century (MINX) program contract with Faber Design Consultancy, HUR Consulting Services, Marine Air Systems (New Zealand) and Nea Linberg. The MINX program is intended to develop a low manpower-rapid deployment mine system to replace the UK MoD's current BARMINE system around the yrs 2000/2001." In summary: Agency: Dept/Ministry of Defense. Product: Landmines and Parts (3483313). Event: Order and Contracts received (61). Country: UK (4UK), New Zealand (9NEZ); Denmark (4DEN).

19. Defence Manufacturers Association of Great Britain (DMA) - Register of members Products and Services (issue15 1991/92)

20. Hunting Engineering Ltd HB876. Area-denial munition. Promotional material for area denial mine, printed by Hunting Engineering. "Detonation can occur either when the mine is initiated by sensors or, alternatively, by a randomly timed self-destruct signal. On detonation, the steel warhead casing has a dual effect. Firstly, it produces a high velocity slug which disables clearance vehicles. Secondly, high-velocity casing fragments pose a threat, over long distances, to soft skinned targets, including vehicles and aircraft. The mine also contains effective anti countermeasure facilities, making it exceptionally difficult to clear large quantities."

21. Information Source: List from Handicap International, Brussels, Oct 1993, citing Human Rights Watch as their main source.

MR. PRESIDENT,

I WISH FIRST OF ALL TO CONGRATULATE YOU ON YOUR ELECTION TO THE PRESIDENCY OF THIS CONFERENCE AND TO PLEDGE THE FULLEST POSSIBLE SUPPORT OF CANADA TO YOUR EFFORTS TO BRING IT TO A POSITIVE AND SUCCESSFUL CONCLUSION. WE LOOK FORWARD TO WORKING WITH ALL DELEGATIONS TO THE CONFERENCE TO ACHIEVE THAT GOAL.

CANADA SUPPORTS THE EVENTUAL ELIMINATION OF ANTI-PERSONNEL LANDMINES. FOR THE TIME BEING HOWEVER, IT IS CLEAR THAT SUCH AN OBJECTIVE IS NOT REALISTIC. THE IMMEDIATE CHALLENGE IS THE STRENGTHENING OF THE CONVENTION IN ORDER THAT IT BETTER REFLECTS CHANGING INTERNATIONAL NORMS.

AS THIS REVIEW CONFERENCE PROCEEDS IT WILL BE IMPORTANT FOR US TO WEIGH OUR PROGRESS CONSTANTLY AGAINST TWO BASIC CONSIDERATIONS. THE FIRST IS THE FUNDAMENTAL OBJECTIVES OR PRINCIPLES OF OUR CONVENTION. THESE ARE SET OUT CLEARLY IN ITS PREAMBLE BUT I WOULD LIKE TO CITE THREE OF PARTICULAR INTEREST IN THE CONTEXT OF OUR SPECIFIC TASK HERE. THE FIRST IS:

- A) THE IMPORTANCE OF PURSUING EVERY EFFORT TO SECURE GENERAL AND COMPLETE DISARMAMENT UNDER STRICT AND EFFECTIVE INTERNATIONAL CONTROL AND, IN THAT REGARD, THE NEED TO CONTINUE THE CODIFICATION AND PROGRESSIVE DEVELOPMENT OF THE RULES OF INTERNATIONAL LAW APPLICABLE IN ARMED CONFLICT;

TWO PHRASES CAN BE HIGHLIGHTED: "STRICT AND EFFECTIVE INTERNATIONAL CONTROL" AND "PROGRESSIVE DEVELOPMENT". THE OTHER TWO ARE:

- B) THE GENERAL PRINCIPLE OF THE PROTECTION OF THE CIVILIAN POPULATION AGAINST THE EFFECTS OF HOSTILITIES;
AND,
- C) THE PRINCIPLE THAT PROHIBITS THE EMPLOYMENT IN ARMED CONFLICTS OF WEAPONS, PROJECTILES AND MATERIAL AND METHODS OF WARFARE OF A NATURE TO CAUSE SUPERFLUOUS INJURY OR UNNECESSARY SUFFERING.

THESE PRINCIPLES CONTINUE TO BE THE CRITICAL STANDARDS BY WHICH WE MUST EVALUATE EACH PROPOSAL AND MEASURE DURING THE NEXT THREE WEEKS.

THE SECOND CONSIDERATION EMERGES FROM A REALISTIC APPRECIATION OF THE CHALLENGES FACING US AS A GLOBAL COMMUNITY. WE MUST ADMIT THAT WE LIVE IN TORTURED WORLD. WHILE THE THREAT OF GLOBAL AND NUCLEAR WAR HAS THANKFULLY GREATLY RECEDED, THE 1990'S HAVE BEEN CHARACTERIZED BY A TRAGIC INCREASE IN CONFLICTS, MOST OF AN INTERNAL NATURE, HAVING THEIR ORIGINS IN SOCIAL, ETHNIC, RELIGIOUS AND CULTURAL DIFFERENCES. THE LIST IS WELL-KNOWN TO US ALL - FROM THE FORMER YUGOSLAVIA TO CAMBODIA, FROM RWANDA TO CHECHNYA. MILLIONS OF CIVILIANS, FOR THE MOST PART WOMEN, CHILDREN AND THE AGED, HAVE BEEN FORCED TO FLEE THEIR HOMES AND HAVE BEEN AND ARE BEING CRUELLY EXPOSED TO HARDSHIPS, BRUTALITIES AND THE HAZARDS OF ARMED CONFLICT. THE RESULTING SUFFERING IS BEFORE US DAILY. EQUALLY DESTRUCTIVE IS THE FACT THAT LANDMINES FORM AN ENDURING OBSTACLE TO A COUNTRY'S RECONSTRUCTION AND ECONOMIC DEVELOPMENT. WE, ON BEHALF OF THE INTERNATIONAL COMMUNITY MUST RESPOND TO THIS REALITY - THROUGH CONTINUED EFFORTS TO PROMOTE POLITICAL, ECONOMIC AND SOCIAL DEVELOPMENT; BY IMPROVED CRISIS PREVENTION AND CONFLICT RESOLUTION EFFORTS AND

MECHANISMS; AND, BY MORE COST-EFFECTIVE HUMANITARIAN ASSISTANCE AND RECONSTRUCTION PROGRAMMES. BUT - TO BRING US BACK TO OUR CENTRAL PURPOSE HERE IN VIENNA DURING THE NEXT THREE WEEKS - WE MUST ENSURE THAT KEY INSTRUMENTS SUCH AS OUR CONVENTION ARE AS EFFECTIVE AS POSSIBLE.

HOW CAN WE DO SO?

FIRST, AS REGARDS THE CONVENTION ITSELF, CANADA BELIEVES WE SHOULD IN A FORCEFUL DECLARATION COLLECTIVELY CALL UPON ALL MEMBERS OF THE INTERNATIONAL COMMUNITY TO BECOME STATES PARTIES. OBVIOUSLY, THE MORE UNIVERSAL ITS STATUS THE MORE EFFECTIVE IT WILL BE. WE SHOULD ALSO RESPOND IN A PRACTICAL WAY TO THE RAPIDLY-CHANGING WORLD IN WHICH WE LIVE BY AMENDING THE CONVENTION TO PROVIDE FOR A REVIEW EVERY FIVE YEARS. WE MUST ALSO ENSURE THAT A WORKABLE MECHANISM IS INCORPORATED INTO THE CONVENTION TO PROVIDE FOR MONITORING AND ADDRESSING COMPLIANCE QUESTIONS. AND, FINALLY, WE MUST ENSURE ITS SCOPE IS PROGRESSIVELY ENHANCED AS NEW ISSUES EMERGE. IN THIS REGARD CANADA WELCOMES THE PROPOSAL TO ADOPT A NEW PROTOCOL WHICH WOULD PROHIBIT THE USE OF LASER WEAPONS SPECIFICALLY DESIGNED TO CAUSE PERMANENT BLINDNESS.

AS WELL AS DEALING WITH THESE OBJECTIVES WE SHOULD CRITICALLY EXAMINE THE PROVISIONS OF THE CONVENTION TO ENSURE IT FULLY ADDRESSES CURRENT CHALLENGES. HERE OUR OVERRIDING RESPONSIBILITY IS TO ENSURE PROTOCOL II EFFECTIVELY DEALS WITH THE TRAGIC CONSEQUENCES OF THE INDISCRIMINATE USE OF LAND MINES. THE SEVERITY AND MAGNITUDE OF THIS "HUMANITARIAN DISASTER", AS SECRETARY GENERAL BOUTROS BOUTROS-GHALI HAS DESCRIBED IT, ARE KNOWN TO US ALL. WE ARE BEING CAREFULLY WATCHED TO SEE WHETHER

WE CAN AND WILL ACT THOROUGHLY AND COMPREHENSIVELY TO MEET OUR RESPONSIBILITY IN THIS RESPECT.

OUR EXPERTS DURING THEIR FOUR PREPARATORY MEETINGS HAVE DONE EXCELLENT SERVICE IN IDENTIFYING THE RANGE OF AMENDMENTS THAT ARE NECESSARY. AN EFFECTIVE DETECTABILITY STANDARD, CONVERSION OF INVENTORIES TO SELF-NEUTRALIZING AND/OR SELF-DESTRUCTING LANDMINES, SEVERE LIMITATIONS ON THE USE OF SO-CALLED "DUMB MINES", AND CONTROLS ON TRANSFERS ARE SOME OF THE MOST IMPORTANT OF THESE. BUT THERE ARE TWO AMENDMENTS WHICH, IN CANADA'S OPINION, ARE MINIMUM REQUIREMENTS.

THE FIRST IS THE EXTENSION OF THE SCOPE OF PROTOCOL II TO INCLUDE INTERNAL CONFLICTS. WHY? BECAUSE IT IS THESE CONFLICTS, REGRETTABLY, WHICH HAVE THE MOST AFFECT ON CIVILIAN POPULATIONS WORLDWIDE. IT IS IN THOSE CONFLICTS THAT LAND MINES ARE CAUSING THE GREATEST CIVILIAN SUFFERING. IF OUR PROTOCOL CAN NOT BE AMENDED TO APPLY TO SUCH CONFLICTS AS WELL AS TO INTERSTATE WARS IT WILL BE SEVERELY LIMITED IN ITS EFFECTIVENESS; WE WILL HAVE FAILED TO ENSURE ITS "PROGRESSIVE DEVELOPMENT"; AND, FRANKLY, WE WILL BE EXPOSED TO RIDICULE BY THE INTERNATIONAL COMMUNITY.

THERE ARE SOME WHO FEAR EXTENDING THE SCOPE TO INTERNAL CONFLICTS WILL OPEN THE DOOR TO LIMITS ON STATE SOVEREIGNTY OR TO INTERFERENCE IN THEIR INTERNAL AFFAIRS. THIS CONCERN SHOULD NOT BE IGNORED; BUT IT SHOULD ALSO NOT BE TAKEN TO AN EXTREME AT WHICH IT WOULD NEUTRALIZE OUR EFFORTS. STATES PARTIES MUST BE PREPARED TO MOVE FORWARD IN THIS REGARD.

IT IS FOR THESE REASONS THAT CANADA STRONGLY SUPPORTS THE INTENT OF THE AMENDMENT FOR ARTICLE 1 PUT FORWARD IN THE

GROUP OF EXPERTS BY DENMARK AND CUBA.

THE SECOND CRITICAL ISSUE CONCERNS THE ANSWER TO THE QUESTION AS TO HOW THE INTERNATIONAL COMMUNITY CAN BEST SATISFY ITSELF THAT THE STRICTER PROVISIONS WE ARE AGREEING TO WILL IN FACT BE FULLY OBSERVED BY STATES PARTIES. WE BELIEVE THIS QUESTION MUST BE EFFECTIVELY ANSWERED - BOTH TO RESPOND TO THE LEGITIMATE CONCERN OF THE GLOBAL COMMUNITY AND TO ENSURE OUR PROPOSED PROVISION ON INTERNATIONAL TRANSFERS IS MEANINGFUL. WHAT DO WE NEED IN THIS RESPECT? WE NEED A POLITICAL MECHANISM TO CONSIDER INFORMATION AND TO MAKE JUDGEMENTS; WE NEED A WORKABLE PROCESS TO COLLECT THE INFORMATION NECESSARY; AND, WE NEED TO PROVIDE FOR SOME TEETH IF VIOLATIONS ARE UNEARTHED. IN ADDRESSING THESE NEEDS WE ARE NOT VENTURING INTO UNKNOWN TERRITORY. INNUMERABLE AGREEMENTS - BILATERAL AND MULTILATERAL - CONTAIN PROVISIONS FOR VERIFICATION, DEALING WITH COMPLAINTS AND RESOLVING DISPUTES. THAT IS ALL WE ARE SEEKING TO DO HERE; HOW ELSE CAN WE ENSURE "STRICT AND EFFECTIVE INTERNATIONAL CONTROL"?

WE HAVE SEVERAL FORMULATIONS BEFORE US TO DEAL WITH THIS ISSUE. CANADA WILL DEVOTE PARTICULAR EFFORT DURING THE NEXT THREE WEEKS TO WORK WITH ALL REPRESENTATIVES HERE TO FIND AN EFFECTIVE SOLUTION.

ALL OF THE MEASURES I HAVE CITED ARE NECESSARY; THEY MEET REAL NEEDS, THEY REINFORCE EACH OTHER, AND WHEN IMPLEMENTED IN OUR CONVENTION, THEY WILL SIGNIFICANTLY AND PROGRESSIVELY ENHANCE ITS EFFECTIVENESS AND RESPONSIVENESS. MOREOVER, THEIR INCORPORATION WILL BE A MAJOR STEP FORWARD TOWARDS THE ATTAINMENT OF THE LONGER TERM OBJECTIVE OF A COMPLETE BAN ON ALL LAND MINES.

THERE IS ONE FINAL MEASURE WHICH I WOULD LIKE TO ADDRESS. AS WE ALL KNOW THE INTERNATIONAL COMMUNITY IS WORKING STRENUOUSLY TO MITIGATE THE SUFFERING ASSOCIATED WITH ARMED CONFLICTS - BOTH INTERNAL AND INTER-STATE. THE UN, ITS MEMBERS AGENCIES, REGIONAL ORGANIZATIONS SUCH AS THE OAS AND OAU, HUMANITARIAN BODIES SUCH AS THE ICRC AND OUR FRIENDS AND COLLEAGUES ARE REPEATEDLY SENT INTO THE MIDST OF THESE CONFLICTS. WE WOULD LIKE TO SEE THE PROVISIONS OF THE CCW COMPLEMENT THE PROTECTIONS AFFORDED TO PEACEKEEPERS IN THE UN CONVENTION ON THE SAFETY OF UN AND ASSOCIATED PERSONNEL WITH A VIEW TO MINIMIZING THE RISKS TO WHICH THESE PEOPLE ARE EXPOSED. AS ONE OF THE LEADING ADVOCATES OF THAT CONVENTION, CANADA STRONGLY SUPPORTS THE INSERTION IN ARTICLE 8 OF PROTOCOL II OF EXPANDED PROTECTION FOR THESE PERSONS.

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MR. PRESIDENT,

AT THE BEGINNING OF MY COMMENTS I CITED TWO REFERENCE

POINTS - OUR SHARED PRINCIPLES AND THEIR EFFECTIVE APPLICATION TO REAL NEEDS IN THE CURRENT WORLD OF THE 1990'S. WE WILL ALL BE EVALUATED BY OUR GOVERNMENTS AND EVEN MORE IMPORTANTLY BY PEOPLE WORLDWIDE ON OUR ACTIONS HERE OVER THE NEXT THREE WEEKS. CANADA, FOR ITS PART, WILL DO ITS UTMOST TO ENSURE WE PASS THE TEST. WE LOOK FORWARD TO WORKING WITH ALL PRESENT TO THAT END.

THANK YOU.

MONSIEUR LE PRÉSIDENT,

PERMETTEZ-MOI, TOUT D'ABORD, DE VOUS FÉLICITER D'AVOIR ÉTÉ ÉLU À LA PRÉSIDENTE DE CETTE CONFÉRENCE ET DE VOUS ASSURER QUE L'ENTIÈRE COLLABORATION DU CANADA VOUS EST ACQUISE AFIN QUE VOUS RÉUSSISSIEZ À EXÉCUTER VOTRE MANDAT DANS UN CLIMAT POSITIF. NOUS ANTICIPONS LE PLAISIR DE TRAVAILLER AVEC LES DÉLÉGATIONS ICI PRÉSENTES POUR QUE VOS EFFORTS PORTENT FRUIT.

LE CANADA APPROUVE L'ÉLIMINATION À TERME DES MINES TERRESTRES ANTIPERSONNEL. CEPENDANT, POUR L'HEURE, IL EST CLAIR QU'UN TEL OBJECTIF N'EST PAS RÉALISTE. NOTRE TÂCHE IMMÉDIATE REVIENT À RENFORCER LA CONVENTION POUR QU'ELLE TRADUISE MIEUX LES NORMES INTERNATIONALES CHANGEANTES.

TOUT AU LONG DE CETTE CONFÉRENCE, DEUX GRANDS CRITÈRES DEVRONT SERVIR À MESURER NOS PROGRÈS. LE PREMIER CRITÈRE EST LES OBJECTIFS OU PRINCIPES FONDAMENTAUX DE NOTRE CONVENTION. BIEN QUE CEUX-CI SOIENT CLAIREMENT ÉNONCÉS DANS LE PRÉAMBULE, J'AIMERAI TOUT DE MÊME CITER TROIS PRINCIPES QUI, EN RAISON DE LA TÂCHE DEVANT NOUS ICI, REVÊTENT UN INTÉRÊT PARTICULIER. PREMIÈREMENT,

- A) L'IMPORTANCE DE DÉPLOYER TOUS LES EFFORTS VOULUS AFIN DE RÉALISER UN DÉSARMEMENT GÉNÉRAL ET COMPLET SOUS CONTRÔLE INTERNATIONAL EFFICACE ET, À CÉT ÉGARD, DE POURSUIVRE LA CODIFICATION ET L'ÉLABORATION PROGRESSIVE DE RÈGLES DE DROIT INTERNATIONAL S'APPLIQUANT AUX CONFLITS ARMÉS;

IL CONVIENT ICI DE SOULIGNER DEUX EXPRESSIONS, À SAVOIR « DÉSARMEMENT GÉNÉRAL ET COMPLET SOUS CONTRÔLE INTERNATIONAL EFFICACE » ET « DÉVELOPPEMENT PROGRESSIF ». LES DEUX AUTRES SONT :

- B) LE PRINCIPE GÉNÉRAL DE LA PROTECTION DE LA POPULATION CIVILE CONTRE LES CONSÉQUENCES D'HOSTILITÉS; ET
- C) LE PRINCIPE SELON LEQUEL IL EST INTERDIT D'UTILISER DANS DES CONFLITS DES ARMES, PROJECTILES ET MATÉRIAUX AINSI QUE DES MÉTHODES DE COMBAT SUSCEPTIBLES DE CAUSER INUTILEMENT BLESSURES OU SOUFFRANCES.

CES PRINCIPES DEMEURENT DES NORMES CRITIQUES QUI DEVRONT PRÉSIDER À L'ÉVALUATION ET À LA MESURE DE CHAQUE PROPOSITION QUE NOUS ÉTUDIERONS AU COURS DES TROIS PROCHAINES SEMAINES.

LE DEUXIÈME POINT À CONSIDÉRER PROCÈDE DE L'APPRÉCIATION RÉALISTE DES DÉFIS QUE NOUS DEVONS RELEVER EN TANT QUE MEMBRES DE LA COMMUNAUTÉ MONDIALE. IL FAUT SE RENDRE À L'ÉVIDENCE : NOUS VIVONS DANS UN MONDE TOURMENTÉ. HEUREUSEMENT, LA MENACE D'UNE GUERRE NUCLÉAIRE MONDIALE S'EST LARGEMENT ESTOMPÉE. NÉANMOINS, LES ANNÉES 1990 ONT ÉTÉ MARQUÉES JUSQU'ICI PAR UN ACCROISSEMENT TRAGIQUE DU NOMBRE DE CONFLITS, POUR LA PLUPART INTESTINS ET D'ORIGINE SOCIALE, ETHNIQUE, RELIGIEUSE ET CULTURELLE. AUCUN DE NOUS N'IGNORE LA LISTE DES PAYS OÙ SÉVISSENT CES CONFLITS : L'EX-YOUGOSLAVIE, LE CAMBODGE, LE RWANDA ET LA TCHÉTCHÉNIE, POUR N'EN NOMMER QUE QUELQUES-UNS. CONTRAINTS D'ABANDONNER LEUR DOMICILE, DES MILLIONS DE CIVILS, FEMMES, ENFANTS ET PERSONNES ÂGÉES POUR LA PLUPART, DOIVENT ENCORE SUBIR DE DURES ÉPREUVES, DES ACTES DE BRUTALITÉ ET LES DANGERS DE CONFLITS ARMÉS. NOUS SOMMES TÉMOINS QUOTIDIENNEMENT DE LEURS SOUFFRANCES. FAIT AUSSI DESTRUCTEUR, LES MINES TERRESTRES CONSTITUENT UN OBSTACLE DURABLE À LA RECONSTRUCTION ET AU DÉVELOPPEMENT ÉCONOMIQUE D'UN PAYS. C'EST POURQUOI NOUS DEVONS, AU NOM DE LA COMMUNAUTÉ INTERNATIONALE, RÉAGIR À LA SITUATION — EN FAVORISANT LE

DÉVELOPPEMENT POLITIQUE, ÉCONOMIQUE ET SOCIAL; EN DÉCUPLANT NOS EFFORTS EN VUE D'AMÉLIORER LES MÉCANISMES DE PRÉVENTION DES CRISES ET DE RÈGLEMENT DES CONFLITS, ET EN VEILLANT À ACCROÎTRE L'EFFICACITÉ DE L'AIDE HUMANITAIRE ET DES PROGRAMMES DE RECONSTRUCTION SUR LE PLAN DES COÛTS. MAIS REVENONS À LA PRINCIPALE RAISON POUR LAQUELLE NOUS SOMMES RÉUNIS ICI, À VIENNE, POUR LES TROIS PROCHAINES SEMAINES — À SAVOIR MAXIMISER L'EFFICACITÉ DE NOS INSTRUMENTS CLÉS, EN PARTICULIER NOTRE CONVENTION.

COMMENT POUVONS-NOUS DONC RÉALISER CETTE OPTIMISATION?

PREMIÈREMENT, EN CE QUI A TRAIT À LA CONVENTION MÊME, LE CANADA EST D'AVIS QUE NOUS DEVONS, PAR UNE DÉCLARATION COLLECTIVE ÉNERGIQUE, ENGAGER TOUS LES MEMBRES DE LA COMMUNAUTÉ INTERNATIONALE À Y ADHÉRER. ÉVIDEMMENT L'EFFICACITÉ DE LA CONVENTION SERA FONCTION DE L'UNIVERSALITÉ DE SON APPLICATION. NOUS DEVRIONS ÉGALEMENT RÉAGIR PRAGMATIQUEMENT AUX ÉVÉNEMENTS DU MONDE EN RAPIDE ÉVOLUTION DANS LEQUEL NOUS VIVONS EN MODIFIANT LA CONVENTION DE MANIÈRE À CE QU'ELLE FASSE L'OBJET D'UN EXAMEN TOUS LES CINQ ANS. NOUS DEVONS ÉGALEMENT VEILLER À Y INCORPORER UN MÉCANISME EXÉCUTABLE, QUI PERMETTRA DE SUIVRE LA SITUATION ET DE RÉGLER LES QUESTIONS TOUCHANT LE RESPECT DE LA CONVENTION. ENFIN, NOUS DEVONS VEILLER À ÉLARGIR PROGRESSIVEMENT LA PORTÉE DE LA CONVENTION AU FUR ET À MESURE DES ÉVÉNEMENTS. À CET ÉGARD, LE CANADA FAIT BON ACCUEIL À LA PROPOSITION VISANT L'ADOPTION D'UN NOUVEAU PROTOCOLE INTERDISANT LE RECOURS AUX ARMES LASER CONÇUES POUR CAUSER UNE CÉCITÉ PERMANENTE.

EN PLUS DE CHERCHER À ATTEINDRE CES OBJECTIFS, NOUS DEVRIONS PROCÉDER À UN EXAMEN CRITIQUE DES DISPOSITIONS DE LA CONVENTION AFIN QU'ELLE TIENNE COMPTE DES DÉFIS ACTUELS. À CET ÉGARD, NOUS NOUS DEVONS D'ASSURER, AU PREMIER CHEF, QUE LE PROTOCOLE II TRAITE EFFECTIVEMENT DES TRAGIQUES CONSÉQUENCES DE L'UTILISATION IRRÉFLÉCHIE DES MINES TERRESTRES. LA GRAVITÉ ET L'AMPLEUR DE CETTE « CATASTROPHE SUR LE PLAN HUMANITAIRE », SELON L'EXPRESSION DU SECRÉTAIRE GÉNÉRAL, M. BOUTROS BOUTROS-GHALI, N'ÉCHAPPE À AUCUN D'ENTRE NOUS. NOS DÉLIBÉRATIONS SERONT SUIVIES DE PRÈS PAR CERTAINS PAYS, QUI ATTENDENT DE VOIR SI NOUS SOMMES CAPABLES D'UNE ACTION GLOBALE ET APPROFONDIE ET SI, DE FAIT, NOUS ASSUMERONS NOS RESPONSABILITÉS À CET ÉGARD.

AU COURS DE LEURS QUATRE RÉUNIONS PRÉPARATOIRES, NOS EXPERTS SE SONT DISTINGUÉS PAR L'EXCELLENT TRAVAIL QU'ILS ONT ACCOMPLI EN DRESSANT L'ÉVENTAIL DES MODIFICATIONS QU'IL CONVIENDRAIT D'APPORTER À LA CONVENTION. EN VOICI QUELQUES-UNES DES PLUS IMPORTANTES : UNE NORME EFFICACE DE DÉTECTION, LA TRANSFORMATION DES STOCKS EN MINES TERRESTRES AUTONEUTRALISANTES OU AUTODESTRUCTRICES, L'IMPOSITION DE RESTRICTIONS SÉVÈRES SUR L'UTILISATION DES MINES DE PREMIÈRE GÉNÉRATION ET LES CONTRÔLES EXERCÉS SUR LES TRANSFERTS. MAIS IL Y A AUSSI DEUX MODIFICATIONS QUI, DE L'AVIS DU CANADA, SONT DES EXIGENCES MINIMALES.

LA PREMIÈRE VISE À ÉTENDRE LA PORTÉE DU PROTOCOLE II POUR Y INCLURE LES CONFLITS INTÉRIEURS. POURQUOI? PARCE QUE C'EST CE TYPE DE CONFLIT, MALHEUREUSEMENT, QUI AFFECTE LE PLUS LES POPULATIONS CIVILES DANS LE MONDE. EN EFFET, ELLES SONT POSÉES PAR LES BELLIGÉRANTS DANS CES CONFLITS QUI FONT LE PLUS SOUFFRIR LA POPULATION CIVILE. SI NOUS NE PARVENONS PAS À MODIFIER NOTRE

PROTOCOLE POUR QU'IL S'APPLIQUE NON SEULEMENT AUX GUERRES ENTRE ÉTATS, MAIS ÉGALEMENT À CES CONFLITS, NOUS EN RESTREINDRONS SÉRIEUSEMENT L'EFFICACITÉ; NOUS N'AURONS PAS RÉUSSI À EN ASSURER LE « DÉVELOPPEMENT PROGRESSIF »; ET, À VRAI DIRE, NOUS NOUS EXPOSONS À LA RISÉE DE LA COMMUNAUTÉ INTERNATIONALE.

CERTAINS ÉTATS CRAIGNENT QU'EN ÉLARGISSANT LA PORTÉE DU PROTOCOLE DE MANIÈRE À CE QU'IL S'APPLIQUE AUX CONFLITS INTÉRIEURS NOUS OUVRIRONS LA PORTE À L'IMPOSITION DE LIMITES SUR LA SOUVERAINETÉ ÉTATIQUE OU À L'INGÉRENCE DANS LES AFFAIRES DE L'ÉTAT. NOUS NE DEVONS PAS FAIRE FI DE CETTE PRÉOCCUPATION, MAIS NOUS NE DEVONS PAS NON PLUS ALLER À L'AUTRE EXTRÊME, CE QUI NEUTRALISERAIT NOS EFFORTS. LES ÉTATS PARTIES DOIVENT ÊTRE PRÊTS À FAIRE AVANCER CE DOSSIER.

VOILÀ POURQUOI LE CANADA APPUIE ÉNERGIQUEMENT LA MODIFICATION À L'ARTICLE 1 PROPOSÉE AU GROUPE D'EXPERTS PAR LE DANEMARK ET CUBA.

LE SECOND POINT D'IMPORTANCE PRIMORDIALE CONSISTE À DÉTERMINER LES MEILLEURS MOYENS QUI PERMETTRONT À LA COMMUNAUTÉ INTERNATIONALE DE S'ASSURER QUE LES DISPOSITIONS PLUS RIGOUREUSES AUXQUELLES NOUS SOUSCRIVONS SERONT EN FAIT RESPECTÉES EN TOUS POINTS PAR LES ÉTATS PARTIES. NOUS CROYONS QU'IL FAUT TROUVER UNE RÉPONSE UTILE À CETTE QUESTION, D'UNE PART POUR RÉAGIR AU SOUCI LÉGITIME DE LA COMMUNAUTÉ MONDIALE ET, D'AUTRE PART, POUR DONNER TOUT SON SENS À LA DISPOSITION RELATIVE AUX TRANSFERTS INTERNATIONAUX QUE NOUS PROPOSONS. DE QUELS MOYENS DEVONS-NOUS DISPOSER POUR PARVENIR À NOS FINS? IL NOUS FAUT UNE INSTANCE POLITIQUE QUI SE PRONONCERA APRÈS S'ÊTRE PENCHÉE SUR LE DOSSIER; IL NOUS FAUT UN PROCESSUS FONCTIONNEL POUR RASSEMBLER

L'INFORMATION NÉCESSAIRE; ET NOUS DEVONS POUVOIR IMPOSER DES SANCTIONS LORSQUE DES INFRACTIONS SONT CONSTATÉES. EN RÉPONDANT À CES BESOINS, NOUS NE NOUS AVENTURONS PAS EN TERRITOIRE INCONNU. D'INNOMBRABLES ACCORDS — BILATÉRAUX ET MULTILATÉRAUX — RENFERMENT DES DISPOSITIONS PERMETTANT D'EFFECTUER DES VÉRIFICATIONS, DE TRAITER LES PLAINTES ET DE RÉSOUDRE LES CONFLITS. C'EST TOUT CE QUE NOUS CHERCHONS À ACCOMPLIR ICI; EN EFFET, COMMENT POURRIONS-NOUS ASSURER AUTREMENT UN « CONTRÔLE INTERNATIONAL RIGOUREUX ET EFFICACE »?

NOUS AVONS LE CHOIX DE PLUSIEURS FORMULES POUR RÉGLER LA QUESTION. AU COURS DES TROIS PROCHAINES SEMAINES, LE CANADA S'EFFORCERA EN PARTICULIER DE COLLABORER AVEC TOUTES LES DÉLÉGATIONS SUR PLACE AFIN DE TROUVER UNE SOLUTION EFFICACE.

TOUTES LES MESURES QUE J'AI MENTIONNÉES SONT NÉCESSAIRES; ELLES RÉPONDENT À UN BESOIN VÉRITABLE; ELLES RENFORCENT CHAQUE OFFRE ET LORSQU'ELLES SERONT INCORPORÉES À NOTRE CONVENTION, ELLES EN AMÉLIORERONT CONSIDÉRABLEMENT ET PROGRESSIVEMENT L'EFFICACITÉ. EN OUTRE, EN LES INCORPORANT À LA CONVENTION, NOUS AURONS FRANCHI UNE ÉTAPE IMPORTANTE EN VUE DE LA RÉALISATION D'UN DE NOS OBJECTIFS À LONG TERME, À SAVOIR L'INTERDICTION ABSOLUE DE TOUTES LES MINES TERRESTRES.

JE VOUDRAIS PARLER D'UNE DERNIÈRE MESURE. COMME NOUS LE SAVONS TOUS, LA COMMUNAUTÉ INTERNATIONALE S'ATTACHE ÉNERGIQUEMENT À ATTÉNUER LES SOUFFRANCES ACCOMPAGNANT LES CONFLITS ARMÉS, TANT INTRA QU'INTER-ÉTATS. L'ONU, SES INSTITUTIONS, LES ORGANISATIONS RÉGIONALES COMME L'OEA ET L'OUA, LES ORGANISMES HUMANITAIRES TELS LE CICR, DE MÊME QUE DES AMIS ET COLLÈGUES SONT

SOUVENT ENVOYÉS AU COEUR DE CES CONFLITS. NOUS SOUHAITERIONS QUE DES DISPOSITIONS DE LA CONVENTION VIENNENT RENFORCER LA PROTECTION QUE CONFÈRE AUX GARDIENS DE LA PAIX LA CONVENTION SUR LA SÉCURITÉ DU PERSONNEL DES NATIONS UNIES ET DU PERSONNEL ASSOCIÉ, AFIN DE RÉDUIRE LE PLUS POSSIBLE LES RISQUES AUXQUELS CE PERSONNEL EST EXPOSÉ. EN TANT QU'UN DES PRINCIPAUX DÉFENSEURS DE CETTE CONVENTION, LE CANADA APPROUVE FORTEMENT L'INSERTION DANS L'ARTICLE 8 DU PROTOCOLE II D'ÉNONCÉS RENFORÇANT LA PROTECTION DE CES PERSONNES.

MONSIEUR LE PRÉSIDENT,

AU DÉBUT DE MON ALLOCUTION, J'AI MENTIONNÉ DEUX POINTS DE RÉFÉRENCE — LES PRINCIPES AUXQUELS NOUS ADHÉRONS ET LEUR RAPPORT AVEC LES BESOINS ACTUELS DU MONDE DANS LES ANNÉES 90. LES MESURES QUE NOUS PRENDONS ICI AU COURS DES TROIS PROCHAINES SEMAINES SERONT ÉVALUÉES PAR NOS GOUVERNEMENTS ET, SURTOUT, PAR LES PAYS DU MONDE ENTIER. POUR SA PART, LE CANADA FERA TOUT SON POSSIBLE POUR QUE NOUS FASSIONS HONNEUR À NOS OBLIGATIONS. C'EST AVEC PLAISIR QUE NOUS UNIRONS À CETTE FIN NOS EFFORTS À CEUX DE TOUTES LES NATIONS ICI REPRÉSENTÉES.

JE VOUS REMERCIE.

LANDMINES: Backgrounder

- It is estimated that there are currently 100 million uncleared land mines in place around the world. Each year landmines cause death and injury to thousands of people, mostly civilians.
- The United Nations Convention which deals with the use of land mines came into force in 1983. Officially titled the *Convention on Prohibition or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects*, the instrument is commonly referred to as the Convention on Certain Conventional Weapons (CCW). It sets legally binding limits on certain types of weapons deemed illegitimate as weapons of war. At present, 66 countries have signed the CCW. Fifty-one countries have ratified. Canada ratified the convention in June 1994.
- The first formal review of the CCW takes place in Vienna, September 25 to October 13, 1995. Negotiators have met at four preparatory conferences to lay the groundwork for the review conference.
- Canada strongly supports increased restrictions on anti-personnel landmines, leading ultimately to a global ban on their use. Canada recognizes however, that a global ban is not yet achievable for a number of reasons. Landmines are low-cost, low-technology, widely available and used by most military forces around the world.
- No Canadian firm is presently engaged in the manufacture of landmines. Canada has not exported any landmines since 1987 when several countries began a moratorium on their export.
- At the Vienna review conference, Canada will be working with like-minded countries to develop proposals aimed at strengthening and expanding the terms of the CCW. These include:
 - Expanding the scope of the CCW to include internal conflicts, where most casualties now occur;
 - Requiring landmines to be detectable;
 - Moving towards landmines that self-destruct or self-neutralize;
 - Ensuring compliance with the Convention, through an effective verification mechanism;
 - Introducing a legally-binding framework including conditions and restrictions on the export and transfer of anti-personnel landmines.

- Ensuring that there is the opportunity to further strengthen the Convention through an agreed review process.
- Canada has been a leader in mine-clearing. In the past years Canada has been working to clear landmines which have been left after conflicts. For instance,
 - Earlier this year, Canada financially contributed to the voluntary UN Trust Fund for Assistance in Mine-Clearance. Since 1993, Canada has also supported mine-clearance in Cambodia, Angola and Afghanistan.
 - Canada has provided technical assistance in Cambodia and Angola, with the expertise of National Defence field engineers.
 - National Defence researchers are seeking new methods of detection and neutralization of landmines.

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Review Conference : the Convention
on Certain Conventional Weapons
(CCW) (1995 : Vienna Austria)

Review Conference : the Convention
on Certain Conventional Weapons
(CCW). --