Landmines

Landmines Around the World
Landmines are indiscriminate weapons that can continue to plague the civilian population decades after a conflict has ended. Indiscriminate weapons are those which are incapable of distinguishing between soldiers and civilians. Between 1999 and 2009, there were approximately 74,000 casualties in 119 countries and areas as a result of mines, explosive remnants of war (ERW), and improvised explosive devices. However, the number of casualties is believed to be under-reported due to a lack of adequate and appropriate data collection methods worldwide. Significantly, in 2008, approximately 61% of known casualties from landmines were civilians. In 2011, the International Campaign to Ban Landmines (ICBL) recorded nearly 4300 casualties of mines, improvised explosive devices and other remnants of war, up from the previous year. According to the ICBL, 59 States and 6 other areas were believed to be mine-affected as of November 2012.

Since 1997, due to the implementation of the Ottawa Treaty (see below), and the work of governments, the Red Cross and other humanitarian organizations, the number of mine victims has significantly decreased and approximately 44 million mines have been destroyed. Millions of mines and ERWs have been removed from various areas worldwide through mine detection and clearance programs. Furthermore, production of anti-personnel mines has ceased in 39 States. Despite these achievements, thousands of civilians continue to be killed or maimed each year. The existence of landmines in an area also makes it very difficult for refugees and internally displaced persons to return to their homes, hinders reconstruction and farming efforts and makes a return to normal life difficult if not impossible.

What is a Landmine?
As defined in both the Ottawa Treaty and Protocol II of the Convention on Certain Conventional Weapons (CCW; see below), a mine is a munition designed to be placed under, on or near the ground or other surface area and to be exploded by the presence, proximity or contact of a person or a vehicle. An anti-personnel mine (APM) is 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.

Novel Development of the Ottawa Treaty
The Convention on the Prohibition of the Use, Stockpiling, Production, and Transfer of Anti-Personnel Mines and on their Destruction which resulted in the Ottawa Treaty of 1997 is the product of both novel and traditional treaty developments. In 1992, Ms. Jody Williams (an American and recipient of the Nobel Peace Prize) established the International Campaign to Ban Landmines (ICBL), which was composed of six NGOs at the time. In order to address the crisis caused by landmines, ICBL advocated for a complete ban of landmines.

The Ottawa Treaty also benefitted from traditional treaty negotiations. In September 1997, certain States adopted the Ottawa Treaty at a diplomatic conference in Oslo, Norway. In December of the same year, 122 States signed the treaty in Ottawa, Canada. The treaty entered into force on March 1, 1999. As of November 2012, 160 States were party to the Ottawa Treaty, including all the members of the North Atlantic Treaty Organization (NATO) except for the
United States and Poland. On December 3, 2012, Poland announced their “imminent ratification” of the treaty. For their efforts, ICBL and Ms. Williams were jointly awarded the Nobel Peace Prize for 1997.

The Ottawa Treaty
The treaty contains 22 articles and includes the following provisions, which are summarized below:

**Obligations (Art. 1, 3, 4, 5):** States agree never under any circumstances to use, develop, produce, otherwise acquire, stockpile or transfer anti-personnel mines or to help any other party to do so. States also undertake to destroy existing anti-personnel mines, whether in stockpiles or in the ground, within a fixed period of time, except for those used for training purposes. In the case of stockpiled anti-personnel mines, they must be destroyed by a State Party four years after entry into force of the treaty, and in the case of mines in the ground, they must be destroyed after 10 years. An extension of the deadline and assistance to meet the deadline may be requested. As of February 2011, 22 States requested and received extensions of time to clear all anti-personnel mines.

**Compliance (Art. 7, 8):** States party to this treaty are required to report annually to the United Nations, amongst other things, on stockpiles, mined areas, destruction of mines and measures taken to prevent civilians from entering mined areas. States must also provide detailed technical information about mines they have produced in the past. A State party is accountable to the other States which are party to the treaty, which can hold a meeting and decide to send an obligatory fact-finding mission of up to 14 days to the relevant territory of the State whose compliance with the treaty is being questioned.

**Prohibited mines (Art. 1, 2):** The Ottawa Treaty prohibits solely anti-personnel mines. The treaty does not prohibit (a) anti-tank or anti-vehicle mines (regulated by the CCW; see below), (b) “anti-handling devices”, which are attached to an anti-vehicle mine to prevent its removal, or (c) “command-detonated” munitions, which can only be triggered manually by a combatant and cannot be detonated simply by “the presence, proximity or contact of a person.”

**Cooperation and assistance (Art. 6):** Each State party undertakes to, amongst other things, facilitate the exchange of equipment, material and scientific and technological information concerning the implementation of the treaty, and shall provide assistance for mine clearance and destruction of stockpiled anti-personnel mines. Further, each State party shall provide assistance for the care and rehabilitation as well as social and economic reintegration of mine victims in addition to mine awareness programs.

**National implementation (Art. 9):** Each State party shall take appropriate legal, administrative and other measures, including the imposition of penal sanctions, to prevent and suppress any activity prohibited under the treaty.
The American Red Cross Position
The American Red Cross has called for a complete ban on the manufacture, use, stockpiling and transfer of anti-personnel landmines to be achieved as soon as possible by using all possible avenues.

The United States Position
While the United States participated in the Ottawa Treaty negotiations, it did not sign the treaty because it did not address certain concerns of the United States. On February 27, 2004, the United States announced its new policy on landmines. In 2009, the Administration announced that the policy would undergo a comprehensive review. Notwithstanding the policy review, it should be noted that, as of November 2011, the United States has not exported APMs since 1992, has not produced APMs since 1997, and has not used APMs since 1991. Further, the United States is the world’s largest contributor to humanitarian de-mining efforts as well as rehabilitation programs for landmine survivors.

According to the current policy, which is presently under review, the United States will:
- Eliminate all persistent (non-self-destructing/non-self-deactivating) landmines from its arsenal;
- Continue to develop non-persistent (self-destructing/self-deactivating) landmines that will not pose a humanitarian threat after use in battle;
- Continue to research and develop enhancements to the current self-destructing/self-deactivating landmine technology in order to develop and preserve military capabilities that address the United States transformational goals;
- Seek a worldwide ban on the sale or export of all persistent landmines;
- Get rid of its non-detectable mines within one year;
- Only employ persistent anti-vehicle mines outside of Korea between 2004 and 2010, if needed, when authorized by the President;
- Not use any persistent landmines -- neither anti-personnel nor anti-vehicle -- anywhere after 2010;
- Begin the destruction within two years of those persistent landmines not needed for the protection of Korea; and
- Seek a 50 percent increase in the US Department of State’s portion of the US Humanitarian Mine Action Program over Fiscal Year 2003 baseline levels to $70 million a year.

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 (CCW)
Prior to the Ottawa Treaty, the CCW, including its applicable Protocol, was the main international treaty that governed the use of landmines. The CCW, which entered into force in 1983, is an umbrella agreement which covers the respective Protocols and contains only general provisions. One of the key purposes of the CCW is to prohibit or restrict the use of certain conventional weapons in order to facilitate the main talks on disarmament with an aim to putting an end to the production, stockpiling and proliferation of such weapons. Restrictions upon specific weapons are found within the Protocols (see below). As of August 2012, there were 115 States party to the CCW including the United States.
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Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices (Protocol II)
 Protocol II, which entered into force in 1983 and was subsequently amended in 1996, restricts the use of mines, booby-traps and other related devices. For example, it is prohibited in all circumstances to use any mine which is designed or of a nature to cause superfluous injury or unnecessary suffering. Further, it is prohibited in all circumstances to direct mines, either in offence, defense or by way of reprisals, against the civilian population as such or against individual civilians or civilian objects. Indiscriminate use of mines is prohibited. There are 94 States party to Protocol II, as amended, including the United States.

Sources and For More Information
Exploring Humanitarian Law
  ➢ Module 2D: Focusing on Anti-Personnel Landmines (http://ehl.redcross.org/)

International Campaign to Ban Landmines (http://www.icbl.org/index.php)

Landmine and Cluster Munition Monitor (http://www.the-monitor.org/index.php)


International Committee of the Red Cross (ICRC)
  ➢ Ottawa Treaty Introduction (http://www.icrc.org/ihl)
  ➢ Mine Ban Convention: despite progress made, victim assistance falls short (http://www.icrc.org)


US Department of State
  ➢ US Landmine Policy (http://www.state.gov/t/pm)

Program Resources

For more information about the IHL program and EHL curriculum, please visit www.redcross.org or www.redcross.org/ehl or contact us at ehl@redcross.org.