

Intervention on Article 1
May 11, 2001
(Check against delivery)

The International Campaign to Ban Landmines (ICBL) has repeatedly asked States Parties to come to a common understanding of what acts are and are not permitted under Article 1.c of the Ottawa Convention, under which each State Party undertakes *never under any circumstances* to assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party under the Convention.

In particular, the ICBL has called for States Parties to pay special attention to the term "assist," especially relative to (a) the use of antipersonnel mines by non-signatories in joint operations with States Parties and (b) the stockpiling and transit of foreign antipersonnel mines.

For Canada, this subject is relevant in addressing matters related to interoperability as a member of the North Atlantic Treaty Organization. With this in mind, in 1998 – even before the Convention entered into force – the Chief of the Defence Staff communicated the following to all Canadian Forces personnel:

- **Participation in Combined Operations:** Canada may participate in combined operations with a state that is not Party to the Convention. Canadian contingents may not, however, use anti-personnel mines and the Canadian Forces may not request, even indirectly, the use of anti-personnel mines by others.
- **Rules of Engagement:** When participating in combined operations with foreign forces, Canada will not agree to Rules of Engagement which authorize the use by the combined force of anti-personnel mines. This would not, however, prevent States that are not parties to the Convention from using anti-personnel mines for their own national purposes.
- **Operational Plans:** When engaged in combined operations with foreign forces, Canada will not agree to operational plans which authorize the use by the combined force of anti-personnel mines. While Canadians may participate in operations planning as members of a multinational staff, they may not participate in planning for the use of anti-personnel mines. This would not prevent a state that is not a Signatory to the Convention from planning for the use of anti-personnel mines by its own forces.
- **Command and Control:** The use of anti-personnel mines by the combined force will not be permitted in cases where Canada is in command of a combined Force. Likewise, if Canadian Forces personnel are being commanded by other nationalities, they will not be allowed to participate in the use of, or planning for the use of anti-personnel mines. Were Canadian Forces personnel to engage in such activities they would be liable to criminal prosecution under Canadian law.

Canada takes its obligations under the Convention seriously and will continue to engage in a dialogue with interested parties in order to better clarify how Canada's understanding of the term "assist" relates to the operations of the Canadian Forces.

To this end, we look forward to reviewing the list of questions about joint operations prepared by Human Rights Watch to determine how in the future it may be possible for Canada to provide further information on this matter.