

THE OTTAWA CONVENTION ON THE PROHIBITION OF ANTI-PERSONNEL MINES



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"Each State Party undertakes never under any circumstances:

- a) To use anti-personnel mines;
- b) To develop, produce, otherwise acquire, stockpile, retain or transfer to anyone, directly or indirectly, anti-personnel mines;
- c) To assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Convention."



Article 1(1)

Ensure respect of the prohibitions

"Each State Party shall take all appropriate legal, administrative and other measures, including the imposition of penal sanctions, to prevent and suppress any activity prohibited to a State Party under this Convention undertaken by persons or on territory under its jurisdiction or control."

(Article 9)



Implementing legislation: Some elements

- Definitions
- Individual responsibility and sanctions
- Destruction of stockpiles and mine-clearance
- Reporting procedures
- Inspection missions



Anti-personnel Mines : Definition

" ... 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."

(Article 2(1))



Are not covered:

- anti-ship mines
- anti-vehicle mines
- anti-tank mines



Anti-handling devices

- ▶ The application of anti-handling devices are authorised by the Convention as long as they can never detonate unless the manipulation is intentional and does not result from innocent or involuntary contact.
- ▶ Very sensitive anti-handling devices attached to anti-tank mines which are able to be detonated due to the presence, proximity and / or contact with a person are forbidden.



Respecting the prohibitions

"Each State Party shall take all appropriate legal, administrative and other measures, including the imposition of penal sanctions, to prevent and suppress any activity prohibited to a State Party under this Convention undertaken by persons or on territory under its jurisdiction or control."

(Article 9)



Prohibited activities

- ❌ Use
 - ❌ Production
 - ❌ Development or acquisition
 - ❌ Stockpiling
 - ❌ Transfer
- } **never under any circumstances**

→ Exceptions : retention or transfer of a for the development of and training in mine detection, mine clearance, or mine destruction techniques.



Penal sanctions



- ✗ Use
- ✗ Production
- ✗ Development
- ✗ Stockpiling
- ✗ Transfer



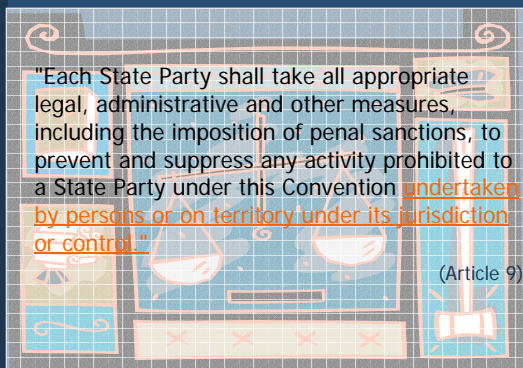
Penal sanctions



- ✗ Otherwise acquire
- ✗ Assisting in any way
- ✗ Inducing



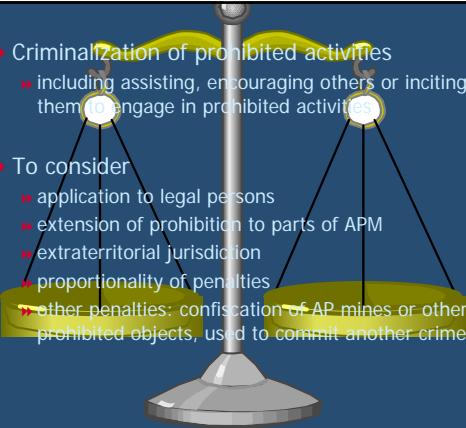
Ensure respect of the prohibitions



"Each State Party shall take all appropriate legal, administrative and other measures, including the imposition of penal sanctions, to prevent and suppress any activity prohibited to a State Party under this Convention undertaken by persons or on territory under its jurisdiction or control."


(Article 9)






▶ Criminalization of prohibited activities
 ↳ including assisting, encouraging others or inciting them to engage in prohibited activities

▶ To consider
 ↳ application to legal persons
 ↳ extension of prohibition to parts of APM
 ↳ extraterritorial jurisdiction
 ↳ proportionality of penalties
 ↳ other penalties: confiscation of AP mines or other prohibited objects, used to commit another crime

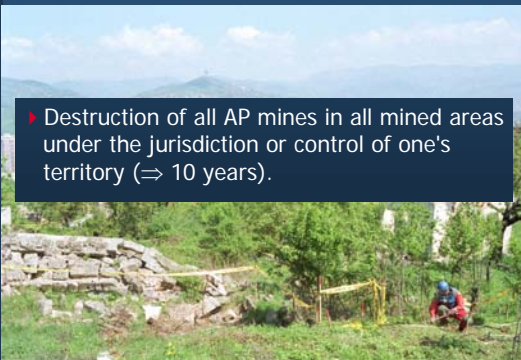
 ICRC

Destruction of stockpiles


▶ All mine stocks to be destroyed as soon as possible (⇒ 4 years).
 ▶ Right of entry into buildings and to take mines, and to authorise the collection and the transfer of AP mines in order to destroy them.
 ▶ Determination of stocks retained for training.

 ICRC

Mine clearance




▶ Destruction of all AP mines in all mined areas under the jurisdiction or control of one's territory (⇒ 10 years).

 ICRC


Transitory measures (as soon as possible)

- **Identify** all areas in which anti-personnel mines are known or suspected to be emplaced
- **Ensure** that all anti-personnel mines in mined areas are **perimeter-marked, monitored and protected by fencing** or other means, to ensure the effective exclusion of civilians, ...



Warning Sign for Areas Containing Mines

The sign is a triangular warning sign with a black border. Inside, it says 'MINES' at the top, 'Warning Sign for Areas Containing Mines' at the bottom, and in the center, there is a black silhouette of a person walking towards a mine.




Reporting




- Reporting to the UN Secretary General
 - **Initial report** 180 days after entry into force
 - **Annual report** on the 30th April of each year





Reporting





- Confer powers relating to the collection of information to the Minister in charge of establishing the reports, and which requires providing him or her with information on AP mines.








- ▶ **Request for clarification** : "to clarify and seek to resolve questions relating to compliance with the Convention"
 - ✦ submitted by one or more States through the UN Secretary-General
- ▶ **Fact-finding mission**
 - ✦ Decision of Meeting of the States Parties by consensus or by a majority of States Parties present and voting
 - ✦ up to 9 experts (established list)
 - ✦ 14 days max. (7 days max. per particular site)

Fact-finding missions

- ▶ Guarantee the **privileges and immunities** to the members of the mission.
- ▶ Receive, transport and house the mission.
- ▶ To the extent possible, ensure the safety of the mission.
- ▶ Permit the mission to carry with them all necessary equipment for the collection of information on the alleged non-respect of the Convention.

Fact-finding missions

- ▶ Give to the Mission the possibility **to speak with all persons** capable of providing relevant information.
- ▶ Provide the Mission **access to all of the areas and installations controlled by the State**.
- ▶ Provide for **sanctions for those who obstruct or provide false declarations** to a Mission.
 - + subject to any arrangements that the requested State Party considers necessary for:
 - ...
 - b) The protection of any constitutional obligations the requested State Party may have with regard to **proprietary rights, searches and seizures**, or other constitutional rights

Assistance to mine victims


➤ Obligation on States Parties to provide:

- Mine awareness activities
- Care to mine victims
- Assistance for their social reintegration




Other than legislative measures

- Regulations (procedures for destruction of stockpiles, identification, mine clearance, fact-finding missions assistance to mine victims)
- Directive/command to the armed forces
- Review of military doctrine
- Revision of training programmes
- Etc...



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Thank you for your attention!

