

Verification of the Ottawa Convention: Workable Hybrid or Fatal Compromise?

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Verification is by now standard fare in arms control and disarmament agreements. It is the means by which confidence in the implementation of an agreement is engendered or enhanced. Verification achieves this by detecting violations, deterring would-be violators, and providing a mechanism for parties to demonstrate their compliance. In view of the widespread awareness of the difficulty of verifying a ban on anti-personnel landmines, it may come as a surprise to see how rudimentary the verification arrangements for the Ottawa Convention are. This paper will examine what these verification arrangements are, how they were negotiated, how verifiable they have made the treaty and what might be the prognosis for the future.

Verification Provisions of the Ottawa Convention

The Ottawa Convention contains no verification article or protocol specifically designated as dealing with verification. The treaty does not even mention the word verification. Yet it would be wrong to conclude that it contains no verification provisions at all. The rudiments of a verification system are to be found in Article 7 on Transparency Measures and Article 8 on Facilitation and Clarification of Compliance.

Article 7 requires states parties to provide a range of information on anti-personnel landmines and landmine-related activity to the United Nations Secretary-General, the treaty's depositary. This is to be done as soon as possible, but in any event, no later than 180 days after entry into force of the convention for that state party. Since the treaty as a whole entered into force on 1 March 1999, the deadline for those states that had ratified by that date was 27 August 1999. Such reports are to be updated by 30 April each year. Data to be supplied includes: an account of national implementation measures (including legal and administrative); numbers and types of stockpiled landmines; the locations of mined areas; the numbers and types retained for permitted purposes (development of and training in mine detection, clearance and destruction techniques); details of the destruction of mines and decommissioning of production facilities; the technical characteristics of all mines produced; and measures undertaken to warn populations of mined areas.

Article 8 establishes a procedure that a state party or parties can use to pursue a suspected case of non-compliance. Any state party may submit to any other state party, through the Secretary-General, a Request for Clarification. The state party is obliged to reply within twenty-eight days. If the requesting state party does not receive a timely or satisfactory reply, it may submit the matter to the

next scheduled Meeting of States Parties, request the good offices of the Secretary-General in resolving the matter, or (presumably *in extremis*) propose a Special Meeting of States Parties. If, within fourteen days one-third of the states parties agree, such a meeting shall be convened within another fourteen days. Such a meeting may dismiss the matter by a majority of states present and voting. If further clarification is sought, the meeting may authorize a fact-finding mission and decide its mandate by majority vote.

Fact-finding missions may be carried out by up to nine experts drawn from a list maintained by the Secretary-General. The team must provide at least seventy-two hours notice before entry into the territory of the state to be inspected. It may bring equipment for gathering information and remain in the territory up to fourteen days (but for no more than seven at any one site unless otherwise agreed). Article 8 contains the normal safeguards for protecting national sovereignty on the one hand and the fact-finding mission members on the other.

The fact-finding mission must report its findings, through the Secretary-General, to the Meeting of States Parties. The meeting may, by a two-thirds majority (in the absence of consensus), request the state party concerned to take measures to address the compliance issue or suggest other ways of resolving the issue, including 'the initiation of appropriate procedures in conformity with international law'. The latter is a commonly used euphemism for the imposition of some form of sanction (such as suspension of treaty benefits) or referral of the matter to the Security Council or the International Court of Justice.

How Does the Ottawa Convention Compare with Other Regimes?

The Ottawa Convention is a hybrid treaty, having antecedents in both arms control and international humanitarian law (IHL). Its verification and compliance provisions sit indeterminably between the two traditions — more robust than some humanitarian law but weaker than the best arms control models.

The most obvious difference between such arms control models and the Ottawa Convention is the latter's lack of a standing institutional structure. First, it has no independent monitoring system, like the International Monitoring System for the Comprehensive Nuclear-Test-Ban Treaty (CTBT) or the nuclear safeguards system of the International Atomic Energy Agency. Nor does it have a permanent

inspectorate like the Organisation for the Prohibition of Chemical Weapons (OPCW). The Ottawa Convention relies totally on self-reporting for its 'baseline' data and subsequent data acquisition. Although its transparency measures are relatively comprehensive and, if complied with by most states, will provide a detailed baseline

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against which future compliance can be judged, in the most sophisticated verification systems such data is subject to confirmation by independent monitoring. Monitoring techniques may include: remote sensing; automatic, tamper-proof on-site monitoring; materials accountancy; and routine, ad hoc and challenge on-site inspections. The United Nations Secretariat's Department of Disarmament Affairs will be the sole institutional home for the Ottawa Convention, its role restricted to compiling the information provided by states parties and distributing it to other states parties.

Naturally, so-called national technical means (NTM), the use of national verification assets such as satellites and electronic and human intelligence, may be used to verify compliance with the Ottawa Convention, as is the case with all other agreements. However, technology-based NTM are unlikely to prove to be as powerful a verification tool in the case of landmines and are therefore a poor substitute for an international monitoring system.

The second institutional lacuna in the Ottawa Convention is the absence of standing bodies capable of dealing with compliance matters, as are found in the CWC, CTBT and American/Soviet bilateral nuclear arms control treaties. Judgements about the veracity of the information will be left to states parties. Without a technical secretariat there is no expert body that can deal, apolitically and sensitively, with technical, inadvertent or minor cases of non-compliance. Without a standing Executive Council of states parties (as in the CWC) to deal with more serious allegations, the only option is to put the matter before the assembled states parties. This must either wait until an annual meeting occurs (which may not match the urgency of the case) or a special meeting must be called, which would raise the stakes of the issue considerably. With no continuous, routine monitoring or inspection system, any request for a fact-finding mission is bound to be seen as politically inflammatory, however reasonable the grounds for the request. The fact that the treaty portrays a fact-finding mission as a last resort in cases of alleged non-compliance would further increase its political saliency and makes it less likely that one will ever be initiated.

Surprisingly, the detail of the fact-finding provisions in the Ottawa Convention is, in some respects, more progressive than some of its arms control predecessors. The requirement for only a simple majority of states present and voting to authorize a fact-finding mission and establish its mandate is, at least theoretically, less onerous than the thirty out of fifty-one Executive Council votes required for approval of an on-site inspection under the CTBT.

The timelines for launching an inspection once decided are also relatively tight compared with other treaties, perhaps because such inspections will be technically less complex than, for example, those which aim to detect chemical weapons or nuclear testing. The fact-finding mission may arrive on the territory of the inspected state within seventy-two hours. This compares favourably with the CWC, which permits a maximum delay of 120 hours (although in the case of the CTBT it is twenty-four hours).

However the Ottawa Convention's decision-making procedure for approving an inspection is long-winded compared to other treaties. Fourteen days are allowed for states parties to decide to call a meeting and a further fourteen days for such a meeting to be convened. This gives a potential violator four weeks in which to remove or hide evidence of a violation. In the case of the CTBT, the Executive Council must make a decision within ninety-six hours of the request being made. For the CWC the period is twelve hours.

Yet comparisons of these timelines can be misleading. It is unlikely in any treaty regime that an on-site inspection request will be a bolt-from-the-blue. Requests for clarification from the suspected party will usually be tried first. This may be followed by a partial or unsatisfactory clarification, in which the matter will be pursued through further consultation, which may further delay dispatch of a mission. In the case of the Ottawa Convention, there is specific mention of the possibility of using the offices of the Secretary-General to resolve compliance issues. In the worst case of a state deliberately and surreptitiously violating an arms control treaty there will be many opportunities for it to procrastinate and obfuscate before on-site inspection provisions are triggered. Such delays permit damning evidence to be destroyed, removed or tampered with. The Ottawa Convention is, however, more vulnerable than other treaties to such a phenomenon because of its lack of continuous verification, including remote monitoring. Such capabilities cannot usually be tampered with by the suspect state and are able to provide evidence of illicit change on which proof of non-compliance may be based.

A significant feature of the Ottawa Convention is that it appears to permit no right of refusal of a request for inspection. This compares favourably with, for example, the Conventional Forces in Europe Treaty. Moreover, the Ottawa Convention specifically provides that the inspected state must

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make every effort to ensure that the mission is given the opportunity to speak with all relevant persons who may be able to provide information related to the alleged compliance issue. This provision, unprecedented in an arms control agreement, reflects not only the influence of humanitarian 'visits' procedures in IHL but also, perhaps, the experience of the United Nations Special Commission for Iraq (UNSCOM), which was able to glean important information from interviews, both planned and opportunistic, with Iraqi personnel.

The fact-finding missions for the Ottawa Convention are to be granted access by the suspected state party to 'all areas and installations under its control where facts relevant to the compliance issue could be expected to be collected'. However, as in the CWC case, the equivalent of so-called managed access techniques may be employed by the inspected party to protect sensitive equipment, information and areas. Constitutional bars to unwarranted searches must also be respected and the physical protection of the fact-finders taken into consideration. The inspected party must demonstrate its compliance by other means if it denies access to particular sites. These are all, by now, standard provisions in arms control agreements.

Overall, while not quite matching the on-site inspection Holy Grail of 'anytime, anywhere', the Ottawa Convention's fact-finding provisions are not too far from 'best practice' in current arms control. In terms of IHL, however, the Ottawa Convention is weaker than some models and more robust than others. In providing that only states parties may request clarification of compliance, it is weaker than the optional protocol of the International Covenant on Civil and Political Rights, which permits non-state actors to trigger such requests — although how realistic and effective such mechanisms are is questionable.¹ On the other hand, in relation to fact-finding the Ottawa Convention provisions go beyond other IHL treaties, including the 1949 Geneva Convention and its Additional Protocol I and the Torture Convention.

Why Was More Verification Not Included?

The reasons why verification was not a more prominent part of the Ottawa Convention are complex. They have to do with the peculiar genesis of the treaty, its hybrid origins, the timing of the treaty's emergence and the peculiarities of anti-personnel landmines as a target of arms control.

THE 'IDEOLOGY' OF THE CONVENTION

The Ottawa Convention, as an idea, did not emerge from the traditional arms control school, which sees controls on weaponry as a means of enhancing national and international security. Rather, it emerged from the humanitarian movement, which regards the use of anti-personnel weapons as inhumane. After 1996, amid widespread disappointment at the failure of the parties to the Convention on Certain Conventional Weapons to ban landmines outright when revising its Protocol II, there

emerged two competing conceptions of how to proceed.

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One was to take the traditional arms control route, through negotiations at the Conference on Disarmament (CD) in Geneva. Supporters of this alternative argued that only the CD had the experience and competence to handle the difficult issues involved, especially verification. In this group were Australia, the Russian Federation and the United

States. The Russian Federation wondered whether a landmine verification system might be more 'cumbersome, costly and intrusive' than the CWC system, while arguing that 'a simple and inexpensive verification of so complicated a ban is totally inconceivable'.² The fact that those states favouring the CD route were among those most sceptical about the verifiability of a landmine ban fuelled suspicions that they hoped the treaty would die in Geneva.

The alternative to Geneva was a negotiating forum especially convened for the purpose. A precedent was the negotiation of the Open Skies Treaty. Such a forum would permit the treaty to be negotiated by a self-selected group of treaty supporters, since those opposed would tend to absent themselves. The process would also be freed of the diplomatic formality and proceduralism of United Nations negotiating forums, facilitating a 'fast track' and an unprecedented degree of non-governmental participation. Many states viewed this idea with alarm.

When the first route proved impossible, because the CD's consensus rule blocked agreement on a negotiating mandate, the second emerged as the Ottawa Process. It was championed by the International Campaign to Ban Landmines (ICBL), the International Committee of the Red Cross (ICRC), other non-governmental organizations (NGOs) and a select group of states led by Canada. From the outset it had a humanitarian impetus that shaped both the negotiations and the form and content of the treaty, including its verification provisions. Most of the great powers were not involved until the very end (the Russian Federation and China never were). The process was dominated by small and medium powers and NGOs. The result was the comprehensive ban on anti-personnel landmines favoured by NGOs, rather than the limited, carefully hedged ban favoured by others. It also led to the inclusion of novel provisions relating to mine victim assistance and mine awareness programmes. Finally, it resulted in a less prominent role for verification than might otherwise have been the case.

With the Ottawa Process moving forward, even those states in favour of a ban divided into several camps over verification. One group, including Germany, insisted that the process produce a treaty with the standard arms control verification provisions. A second group favoured a treaty with a moderate degree of verification as befitting its dual arms control and humanitarian purposes. Perhaps surprisingly, this group included Canada, which has traditionally advocated strong verification provisions and has pioneered influential studies on the subject. A third group, whose most vocal advocate was Mexico, saw no need for verification at all. A majority of the many African states involved in the Ottawa Process were sympathetic to this viewpoint. Indifferent to, agnostic about or actively opposed to verification, many developing states continue to see it as a Western preoccupation or as appropriate only to antagonistic relationships, such as that between the former Soviet Union and the United States during the Cold War.

Many, although not all, NGOs participating in the Ottawa Process were also inclined to forego strict verification in order to achieve a treaty as soon as possible.³ Traditionally suspicious of government intentions, many regarded verification as having the potential, whether deliberate or not, to thwart the negotiations. There may also have been a calculation that the majority of developing countries would more readily support a treaty without verification.

The rationale for the Ottawa Convention's relatively modest verification provisions emerged from the interplay of these groups of states and NGOs. Strict arms control-style verification was ultimately a casualty of the trade-off between the security and humanitarian objectives of the treaty.

In arms control, relatively strict verification is normally required because failure of an agreement may threaten the security of the state or even its existence. This is particularly true of cases where

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'breakout' from a treaty might result in dire consequences, such as the use of nuclear, chemical or biological weapons, or where a distinct military advantage would be gained, as in the case of major conventional weapons systems such as tanks and aircraft. Although some states regarded national security as being paramount in determining their attitude towards a landmine ban treaty (most notably the United States in relation to the defence of South Korea, but also Finland in relation to the Russian Federation), others accepted that landmines were either not essential to their defence or that the defence risks were outweighed by the humanitarian benefits. No one seemed concerned about 'breakout' from a landmine treaty, since landmines are widely considered to be defensive weapons. If the treaty was violated through the use of landmines it would surely follow an invasion of one state's territory by another, an event so traumatic and involving so many other weapon systems that landmines would be a relatively minor consideration. In these circumstances, the requirement for verification was perceived by most Ottawa Process participants to be lower.

Combined with this view was the assumption that verification of a landmine ban was technically difficult or impossible because of their size, ubiquity and ease of manufacture. Those who argued that verification was feasible tended to advocate an intrusive, comprehensive verification system to overcome these difficulties. There was, however, little enthusiasm for yet another expensive verification edifice. States were already being required to fund two new verification organizations, the OPCW and the CTBT Organization, as well as being asked for voluntary support for UNSCOM. Also being mooted was another standing verification agency, for the Biological Weapons Convention.

THE NEGOTIATING PROCESS

The negotiating process produced a draft that seesawed between varying levels of verification before finally settling, inevitably, on a workable compromise. The first draft of what would become the Ottawa Convention, prepared by Austria in February 1997, had no verification provisions. This was due, at least in part, to the Austrians' determination to keep the draft simple and clear. Verification provisions, along with other elaborations, were seen as having the potential to delay negotiation of a treaty.⁴

At an experts meeting in Vienna from 12–14 February 1997 many participants thought the Austrian draft too sparing on verification and sought strengthened verification and compliance measures. As a result, Article 8 on Transparency Measures and Article 9 on Verification and Compliance were added. Based on existing arms control models, Article 9 provided that any state party could request a 'challenge inspection' on the territory of any other state party. A Board of Eminent Experts, nominated by the Secretary-General, would decide whether or not to grant the request and then supervise its conduct.⁵ The Board would be required to make a decision within twenty-four hours. The inspectors' report would be sent, via the Secretary-General, to all states parties and 'in the case of abuse' would make recommendations on measures to redress the situation.⁶

Continuing divisions over verification prompted the German Government to hold an Experts Meeting on Possible Verification Measures in Königswinter from 24–25 April.⁷ It was attended by 120 states as well as the United Nations, the ICRC and the ICB. Some now considered the Austrian draft too intrusive. Mexico, on purist legal and practical grounds, argued for no verification, while Germany defended the need for at least some measures additional to national reporting.⁸ Canada argued that since conventional verification schemes would be too expensive, an alternative was a cooperative system that encouraged compliance rather than one that punished non-compliance. No agreed position emerged at the meeting, but Austria agreed to provide a third draft by the end of May.

In their third draft the Austrians attempted a middle ground, moving both language and concept closer to international humanitarian law.⁹ 'Verification of compliance' was replaced by 'Facilitation and clarification of compliance', while 'on-site inspection' was replaced by 'fact-finding mission'.¹⁰ Instead of a board of experts, a Meeting of States Parties would decide whether a fact-finding mission should be conducted. This concept was apparently based on the mechanisms of the Organisation for Security and Co-operation in Europe (OSCE) for dealing with unusual military events and alleged human rights violations.¹¹

At the final negotiating conference in Oslo in September 1997, Canada, an advocate of middle-range verification, was chosen as 'Friend of the Chair' to finalize the verification and compliance provisions.¹² Article 8 on Transparency Measures was elaborated to include greater detail of state party activities in complying with the treaty.¹³ Most notably, the deadline for first notification after entry into force was shortened from one year to 180 days. Negotiations on Article 9 focussed on whether fact-finding missions should require the consent of the inspected state or whether a decision of the states parties could order a fact-finding mission.¹⁴ Article 9 was expanded from seven paragraphs to twenty, mostly to provide safeguards for the inspected state's sovereignty and commercial proprietary rights on the one hand and for the inspectors on the other.

The United States, participating in the negotiations for the first time, declared at the outset that significant changes would need to be made to the text before it could sign. Among these were 'improved verification provisions'. In contrast to its other 'non-negotiable' demands, all of which were rejected, some of the American verification and transparency proposals were accepted.¹⁵

The final text is a mixture of arms control and humanitarian precedents. Despite the treaty's subject matter, it takes a cooperative approach to clarifying compliance that is more reminiscent of human rights agreements and even environmental agreements like the Framework Convention on Climate Change and its Kyoto Protocol.

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How Verifiable is the Ottawa Convention?

The conventional wisdom has been that a ban on landmines would be largely unverifiable. The small size of the weapon, its ubiquity and ease of manufacture have appeared to be impossible obstacles to verification. Landmines are used routinely in civil wars by non-state actors who cannot become parties to the convention, much less involved in its verification. In this sense landmines pose the same challenge to verification as small arms in general.

Although no arms control agreement is likely to be 100% verifiable, without a standing, independent verification organization the verifiability of the Ottawa Convention is dependent to a much greater extent than other agreements on the commitment and activism of individual states parties. On those with their own independent NTMs will fall the burden of providing evidence of a suspected violation. Such states will also have to summon the political will to make a request for a fact-finding mission. While there is no reason to suppose that such missions will not be staffed with the best experts available, they will not have the cohesion, collective experience and institutional memory that could be provided by a standing inspectorate. These factors make verification of the Ottawa Convention problematic.

The Ottawa Convention has, however, eased the verification problem in one respect: by banning anti-personnel landmines altogether (except for extremely limited permitted purposes), it makes a militarily significant violation much more apparent. On the other hand, the lack of specificity about the number that may be retained for approved purposes makes verification more difficult than for a total ban. It may lead to a similar situation to the Whaling Convention, which permits an unspecified amount of whaling for scientific purposes, a loophole exploited regularly by Japan.

A closer examination of the 'life cycle' of landmines, beginning with research and development and ending in use, reveals a complex picture of varying verifiability.

RESEARCH AND DEVELOPMENT

Research and development (R&D) of weapons, especially that which takes place in closed laboratories, is never easy to verify. In the case of landmines, the technology of the basic weapon is so crude and well known that R&D would, for many producers, be unnecessary. However, as in the case of other weaponry, research has continued into 'improved' types of landmines. Outdoor test sites can be remotely monitored by satellite and aircraft overflights. The former can be accomplished by NTMs without the permission of the target state. The latter would require a global Open Skies regime. Fact-finding missions could seek access to suspected test sites and laboratories, although pinpointing their location in the first place would be difficult.

PRODUCTION

Verification of non-production of landmines is inherently difficult. Manufacture does not require large, sophisticated plants with a particular type of configuration, emission 'signature' or other telltale sign. Satellite or even aerial detection is therefore unlikely. A fact-finding mission would be necessary. Again, the location would have to be known from other evidence, and the inspection organized before production was halted and the plant emptied or dismantled. As in the UNSCOM case, however, such ploys are not always successful and creative on-site inspection techniques might be revealing. Evasion strategies and techniques will raise the costs of production, perhaps to the point where the economic viability of commercial ventures is compromised. Detection of 'homemade' production by non-state actors or non-registered companies will, however, remain virtually impossible.

STOCKPILING

The size and characteristics of declared stockpiles and their destruction, as in the case of chemical weapons, is relatively easy to verify by on-site observers. The difficulty lies in knowing whether all holdings of a particular state have been declared for destruction or whether significant amounts are being secretly withheld. Declaration of numbers and location of landmines that states intend to retain for permitted purposes will at least provide a baseline. Yet it will be impossible to ever verify conclusively that a particular state is landmine-free, given the ease with which landmines may be hidden or covertly re-manufactured. The question then is how significant, in both military and humanitarian terms, hidden stockpiles will be if they cannot be openly used without detection.

TRANSFER

Verification of the non-transfer of landmines is also problematic because of their small size and portability. Normal customs procedures will detect some illicit shipments, but probably no more successfully than for illicit drugs or wildlife smuggling. The landmine problem is simplified by the fact that virtually no legal trade in landmines will be permitted and major producers are likely to end all such transfers. Large-scale legal transfers by major producers have already largely ceased. However, monitoring the black market in transfers will be subject to all the difficulties faced in monitoring small arms transfers in general.

TRAINING

Some verification of training by established militaries is possible, largely by examining military doctrines, training manuals and training sites. Even closed societies find it difficult to conceal such evidence.

USE

The use of landmines, in the sense of planting or distributing them in the field, is relatively easy to verify, but often only once damage has been done in terms of loss of human lives. Satellite and aerial reconnaissance can now detect the laying of minefields and the technology is likely to improve. Since the laying of minefields is usually intended to have a deterrent as well as defensive purpose, it is unlikely to be kept secret for long. The detection difficulty relates more to determining the extent of landmine-laying and the type of mines involved. This is a challenge for mine-clearance efforts rather than verification, since the discovery of just one planted landmine for a non-permissible use would be a violation of the treaty.

Verification of the landmine treaty must also be seen in a wider context, which may extenuate some of the apparently insurmountable difficulties. First, as the anti-landmine norm strengthens and spreads, the need for verification will decline. Landmine use will become rare rather than ubiquitous as at present. Since the ban is virtually total, the Ottawa Convention does not face the problems of the CFE Treaty, for instance, in perpetually keeping track of sizeable permitted numbers and types of weapons allocated to different states parties. The ban is simple and incremental in its implementation.

A second factor that eases the verification problem is the information revolution. Governments increasingly find it difficult to keep information hidden, especially in areas not considered to be high security, which is likely to be the case with landmines. The pervasive use of the internet, e-mail and other instantaneous forms of communication have shrunk time and distance. The laying of new landmines in Kosovo or Senegal can become known globally in minutes. Commercially available satellite imagery and global positioning systems can be used by NGOs to surpass government monitoring efforts.

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A third encouraging factor is the prominence of non-state actors in bringing the treaty to fruition and in sustaining and advancing its implementation. Landmine Monitor, the network of NGOs established by the ICBL and other NGOs, has assumed the task of monitoring implementation of the Convention. Although Landmine Monitor does not purport to be a 'technical verification system or formal inspection regime'¹⁶ and cannot substitute for such a regime, it has already compiled an impressive array of data relating to state compliance, all of it derived from open sources. Luckily, landmines are much better suited to NGO monitoring than, for instance, chemical, biological or nuclear weapons.

The Monitor will be a useful compliment to the United Nations register of states parties' declarations under Article 7. In addition, as a non-official entity, it can publicize alleged violations in a manner that an official body would find difficult. This role would be protected if funding for Landmine Monitor were derived from independent sources rather than, as at present, a select group of western states parties which, although strong supporters of the convention, may at some point not be in full compliance with the treaty themselves.

Conclusions

The Ottawa Convention has been a triumph of alternative diplomacy. It was negotiated and entered into force in record time and has firmly established a norm against the possession and use of anti-personnel landmines in a way that few could have foreseen. To condemn it for its lack of strict, intrusive verification procedures, when to have held out indefinitely for them would have delayed the treaty and cost human lives and limbs, seems churlish. It is difficult to argue that the treaty, with its current verification provisions, has damaged or will damage international or national security. On the contrary, at least for landmine-affected countries, such as Mozambique and Cambodia, full

The Ottawa Convention has been a triumph of alternative diplomacy. implementation will enhance their security immeasurably by permitting full use of their territory and natural resources and by lowering the human and financial costs of landmine deaths and injuries.

Nonetheless, the Ottawa Convention is imperfect and could be improved. Even a modest secretariat, for instance, would give the treaty an institutional voice and create a multilateral vested interest in its effective verification in a way that the United Nations Department of Disarmament Affairs cannot. Routine inspections of declared stockpiles and destruction processes, as well as of conversion or decommissioning of production plants, would be useful confidence-building measures, even if only initiated voluntarily to begin with. Landmine Monitor can continue to meet some of the requirements for global monitoring, but should be supported by an independent trust fund. The best scenario from the point of view of treaty supporters would, however, be for the anti-landmine norm to keep spreading so rapidly towards universality as to obviate the need for improved verification.

Notes

¹ Nicola Short, *A New Model For Arms Control? The Strengths And Weaknesses Of The Ottawa Process and Convention*, *Disarmament Diplomacy*, March 1998, p. 9.

² Quoted in Rebecca Johnson, *Geneva Update No. 32*, *Disarmament Diplomacy*, January 1997, p. 21.

- ³ Both ICBL and the ICRC made proposals on verification. The ICRC noted that 'compliance monitoring' would be an important element of an anti-personnel landmine regime and suggested that the best method would be for an independent mechanism to investigate credible reports of the use of the weapon. But while supporting the maximum verification of a ban treaty, the ICRC specifically encouraged states not to let this question stand in the way of the basic norm prohibiting anti-personnel landmines (see Susan Maslen, *The Role of the International Committee of the Red Cross*, in Maxwell A. Cameron, Robert J. Lawson and Brian W. Tomlin, *To Walk Without Fear: The Global Movement to Ban Landmines*, Oxford University Press, Toronto, 1998, p. 91).
- ⁴ Thomas Hajnoczi, Thomas Desch and Deborah Chatsis, *The Ban Treaty*, in Maxwell A. Cameron et al., *ibid.*, p. 293.
- ⁵ Jim Wurst, *Closing in on a Landmine Ban: The Ottawa Process And U.S. Interests*, *Arms Control Today*, June/July 1997, p. 15.
- ⁶ An alternative draft submitted by the ICBL would have permitted a party with suspicions of another party to request clarification and receive it within twenty-four days. If the requesting party found the information inadequate, it could request the depositary to convene a team of experts to verify alleged violations.
- ⁷ Jo-Anne Velin, *Verification Issue Cleaves Landmine Ban Supporters*, *Disarmament Diplomacy*, April 1997, p. 28. If an inspection was approved, the requesting party would pay for the inspection, but if the inspection found a violation the violator would refund the cost. This unusual apportioning of costs was necessary because of the absence of a standing verification organization.
- ⁸ Jo-Anne Velin, *Landmines Special Report*, *Disarmament Diplomacy*, September 1997, p. 13.
- ⁹ Michael Dolan and Chris Hunt, *Negotiating in the Ottawa Process: the New Multilateralism*, in Maxwell A. Cameron, et al., *op. cit.*, p. 406. For text see *Arms Control Reporter* 1997, Institute for Defense and Disarmament Studies, Cambridge, MA, 708.B.10-12.
- ¹⁰ Jo-Anne Velin, *Landmines Special Report*, *op. cit.*, p. 12.
- ¹¹ Harald Müller and Simone Wisotzki, *Verification: Between the Desirable and the Feasible*, *UNIDIR Newsletter*, no. SI 3/97, Oct. 1997, p. 16.
- ¹² The Brussels meeting from 24–27 June agreed to forward the text, with only minor amendments, to the Oslo negotiation meeting in September 1997.
- ¹³ These included: requiring lot numbers to be given when declarations on types and quantities of landmine holdings were declared; reporting suspected as well as confirmed minefields and types and quantities of mines suspected of being planted; requiring, for the first time, declaration of conversion or de-commissioning of production facilities; inclusion of destruction site details as well as destruction programme details; declaration of types and quantities of all mines destroyed following entry into force.
- ¹⁴ Thomas Hajnoczi, Thomas Desch and Deborah Chatsis, *op. cit.*, p. 301.
- ¹⁵ The Ottawa Landmine Treaty: Analysis and Text, *Arms Control Today*, September 1997, p. 11; and Mary Wareham, *Rhetoric and Political Realities in the United States*, in Maxwell A. Cameron, et al., *op. cit.* pp. 231–32.
- ¹⁶ Landmine Monitor, *Landmine Monitor Report 1999: Toward a Mine-Free World*, Human Rights Watch, Washington, DC, 1999, p. 1.

