

**CONVENTION ON THE PROHIBITION OF THE USE, STOCKPILING,
PRODUCTION AND TRANSFER OF ANTI-PERSONNEL MINES AND ON
THEIR DESTRUCTION, 1997**

In 1980, a diplomatic conference held in Geneva adopted 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, together with additional protocols, including a Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II). This Protocol did not, however, establish a complete ban on anti-personnel mines. At the second session of the First Review Conference of the States Parties to the Convention, which was held in Geneva from 22 April to 3 May 1996, States parties amended Protocol II, thereby reinforcing the prohibitions contained therein (see Final Document of the Review Conference, CCW/CONF.I/16). However, Protocol II as amended still fell short of completely prohibiting anti-personnel mines, even though an increasing number of States had been advocating in favour of such a ban. At the end of the Conference, the Canadian delegation announced that Canada would host a meeting of countries in favour of a total ban later in the year of 1996 to develop a strategy to move the international community towards a global ban on anti-personnel mines. The Canadian Government accordingly decided to hold an international conference at Ottawa in September 1996 (see Report of the Secretary-General, "Moratorium on the export of anti-personnel landmines", A/51/313).

The International Strategy Conference "Towards a Global Ban on Anti-Personnel Mines" was held in Ottawa, Canada, from 3 to 5 October 1996. It led to the adoption of the Declaration of the Ottawa Conference, by which the 50 participating States, known as the "Ottawa Group", agreed to enhance cooperation and coordination of efforts to achieve their goals, including the earliest possible conclusion of a legally binding international agreement to ban anti-personnel mines. The Conference also adopted an action plan outlining concrete activities which States, international organizations and non-governmental organizations were willing to take towards this goal, and decided to hold a follow-on conference in Brussels in June 1997. Further, the Government of Canada expressed its intention to host a treaty-signing conference in December 1997. The Ottawa Conference set the scene for a fast-track negotiation process towards the adoption of a treaty banning anti-personnel mines, known as the "Ottawa process".

The Declaration of the Ottawa Conference was annexed to a letter dated 16 October 1996 from the Representative and Ambassador of Canada to the United Nations for Disarmament to the Secretary-General, which was circulated as an official United Nations document (A/C.1/51/10) for the fifty-first session of the General Assembly. In November 1996, a few weeks after the closing of the Ottawa Conference, the Austrian Government circulated through its embassies a first draft of a treaty, which contained clear prohibitions of the development, production, stockpiling, transfer and use of anti-personnel mines.

At the fifty-first session of the General Assembly, the question of the promotion of an agreement banning anti-personnel mines was discussed by the First Committee under the agenda item entitled "General and complete disarmament". On 4 November 1996, the United States introduced a draft resolution entitled "An international agreement to ban anti-personnel landmines" with eighty-four co-sponsors (A/C.1/51/L.46). On 13 November 1996, the First Committee adopted the draft resolution and recommended it to the General Assembly for adoption (see A/51/566/Add.11). The General Assembly accordingly adopted resolution 51/45 S of 10 December 1996, in which it urged Member States "to pursue vigorously an effective, legally binding international agreement to ban the use, stockpiling,

production and transfer of anti-personnel landmines with a view to completing the negotiations as soon as possible". It also requested the Secretary-General to prepare a report on the steps taken to complete an international agreement concerning the issue and submit it at the fifty-second session.

The Austrian Government decided to host a governmental meeting in February 1997 in Vienna to enable States to exchange views on the content of the circulated draft, to which it invited States, the United Nations and non-governmental organizations, including the International Committee of the Red Cross and the International Campaign to Ban Landmines. The Expert Meeting on the Text of a Convention to Ban Anti-Personnel Mines was held in Vienna from 12 to 14 February 1997. After discussions at the meeting, Austria revised its original draft and issued a second draft on 14 March 1997, which was again circulated for comments. As the negotiations at the Vienna meeting had made it clear that the question of possible verification measures would give rise to considerable debate among States, Germany decided to host a governmental meeting which would be devoted exclusively to this question. The International Expert Meeting on Possible Verification Measures to Ban Anti-Personnel Landmines was held on 24 and 25 April 1997 in Bonn. A final version of the Austrian draft was issued for circulation on 13 May 1997.

The official follow-on conference to the Ottawa Conference, the International Conference for a Global Ban on Anti-Personnel Mines, was held from 24 to 27 June 1997 in Brussels, Belgium. The Conference produced the Declaration for the Brussels Conference on Anti-Personnel Mines, which was signed by 97 States out of 156. In the Declaration, the participating States agreed on the Austrian draft as a basis for negotiation, welcomed the convening of a diplomatic conference by the Government of Norway in Oslo, and decided to forward the Austrian draft for consideration and adoption at the forthcoming diplomatic conference. The Declaration also reaffirmed the goal of signing a treaty banning anti-personnel mines in Ottawa before the end of 1997. The Brussels Declaration was later transmitted to the Conference on Disarmament by a letter dated 9 July 1997 by the Office of the Permanent Representative of Belgium to the Conference on Disarmament (CD/1467) and was circulated as an official document of the Conference on Disarmament.

On 1 September 1997, the Diplomatic Conference on an International Total Ban on Anti-Personnel Land Mines was convened in Oslo, Norway, as scheduled. The Conference had before it the third Austrian draft treaty as the starting point of the negotiations. The Conference lasted three weeks and adopted the final text of the Convention on the Prohibition of Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction on 18 September 1997.

At the fifty-second session of the General Assembly, a draft resolution entitled "Convention on the prohibition of the use, stockpiling, production and transfer of anti-personnel mines and on their destruction" was introduced by Canada on behalf of 106 Member States (A/C.1/52/L.1) and was adopted by the First Committee (see A/52/600). Upon the recommendation of the First Committee, the General Assembly adopted resolution 52/38 A of 9 December 1997, by a recorded vote of 142 to none, with 18 abstentions, by which it adopted the Convention on the Prohibition of Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, and invited all States to sign it.

The Convention opened for signature in Ottawa on 3 and 4 December 1997 and at the United Nations Headquarters in New York on 5 December 1997. It entered into force on 1 March 1999, six months after the fortieth instrument of ratification had been deposited (United Nations, *Treaty Series*, vol. 2056, p. 211).