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LANDMINE MONITOR FACT SHEET**Prepared by Human Rights Watch**

for the Ninth Meeting of the Intersessional Standing Committee
on the General Status and Operation of the 1997 Mine Ban Treaty

Geneva, Switzerland

9 February 2004

**Joint Military Operations
(Article 1)**

Article 1 of the 1997 Mine Ban Treaty obligates State Parties to “never under any circumstances...assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Convention.” The need to promote further clarity on how States Parties fulfill this duty has been repeatedly recognized, most recently in the Final Report and President’s Action Program agreed upon at the Fifth Meeting of States Parties in Bangkok in September 2003. The Final Report states that “the meeting called upon States parties to continue to share information and views, particularly with respect to articles 1, 2, and 3, with a view to developing understandings on various matters by the First Review Conference.”

Over the past five years of treaty implementation, an understanding of how Article 1 applies to joint military operations and the meaning of “assist” has begun to emerge. Based on statements by States Parties compiled by Landmine Monitor, the following elements could be included in a possible common understanding:

Pursuant to Article 1, States Parties are committed to never assist in the use of antipersonnel mines in any circumstances. States Parties agree that, in order to be consistent with this prohibition of the Convention, States Parties engaging in joint military operations with non-States Parties should not:

- ***Participate in planning for use of antipersonnel mines;***
- ***Train others to use antipersonnel mines;***
- ***Participate in operations in which direct military benefit is intentionally derived from the use of antipersonnel mines;***
- ***Agree to rules of engagement or operational plans permitting the use of antipersonnel mines;***
- ***Request others to use antipersonnel mines;***
- ***Provide security or transport for antipersonnel mines.***

Recommendation

The ICBL believes that it is critical for States Parties to adopt a common understanding of Article 1 before the First Review Conference in November 2004. The statement above would be an important first step in clarifying which acts are permitted and which are prohibited.

The ICBL also encourages all States Parties that have not done so to make a statement expressing their views on joint operations, foreign stockpiling, and transit of antipersonnel mines at the next intersessional meeting in June 2004. This should include:

- A statement of national policy of not participating in joint military operations with the forces of any state that intends to plan for, train with, or use antipersonnel mines;
- A declaration on the legality of the stockpiling or transiting of foreign antipersonnel mines on, across, or through territory under national jurisdiction and control.

Status of Practice

A total of 32 States Parties have declared that they will not participate in planning and implementation of activities related to the use of antipersonnel mines in joint operations. A total of 23 States Parties have declared they prohibit transfer through, foreign stockpiling, or authorizing foreign antipersonnel mines on national territory.

Stated Positions on Joint Military Operations

Will not participate in planning and implementation of activities related to AP mine use in joint operations	Australia, Belgium, Bosnia & Herzegovina, Brazil, Bulgaria, Canada, Croatia, Czech Rep., Denmark, France, Germany, Hungary, Italy, Japan, Luxembourg, Malaysia, Mexico, Namibia, Netherlands, New Zealand, Norway, Portugal, Qatar, Senegal, South Africa, Sweden, Switzerland, Tajikistan, United Kingdom, Uruguay, Zimbabwe
Participation interpreted as 'active' or 'direct'	Australia, Czech Rep., New Zealand, Sweden, United Kingdom, Zimbabwe
Reject operations if its military forces derive direct military benefit from AP mine use	Brazil, Mexico, Switzerland, United Kingdom
Reject rules of engagement permitting AP mine use or orders to use AP mines	Canada, France, Germany, Italy, Sweden, United Kingdom
Obtain written precondition for placing forces under the command of a non-State Party	Norway
Prohibit transfer through, stockpiling, or authorizing AP mines on national territory	Austria, Bosnia & Herzegovina, Brazil, Cameroon, Croatia, Czech Rep., Denmark, France, Guinea, Hungary, Italy, Malaysia, Mexico, Namibia, New Zealand, Portugal, Samoa, Slovakia, South Africa, Spain, Sweden, Switzerland, United Kingdom
Non-State Party AP mines stockpiles declared	Tajikistan
Non-State Party AP mine stocks removed	Italy, Norway, Spain
Non-State Party AP mine stocks declared not to be under national jurisdiction or control	Germany, Japan, Qatar, United Kingdom