

Mine Ban Treaty

The MBT calls on states to sign, ratify, and cease to use, develop, produce, otherwise acquire, stockpile, retain and transfer land mines. As of June 2004, 142 state parties and 9 countries have signed but not ratified the Treaty.¹¹¹

Ethiopia has landmine problems stemming from the Second World War and the border disputes with Somalia and the Sudan, and more recently from the 1998–2000 war with Eritrea. In its attempt to forcefully occupy Ethiopian territory, the Eritrean regime had massively used anti-personnel landmines in the area along the two countries' long borders, covering more than ten thousand square kilometres. Hence, the Government of Ethiopia has now fully recognised the gravity of the problem of landmines and unexploded ordinances. It has identified mine action as one of the priority areas for ensuring the safe return and resettlement of the displaced population and refugees and to make wasted agricultural lands usable. Owing to widespread landmine fields in the Northern and Eastern parts of the country, in February 2001 the government together with the UNDP's technical assistance team established a Mine Action Office and a de-mining training centre as part of a national mine action framework. These mechanisms are responsible for de-mining operations, creating the necessary awareness about the dangers of landmines, co-ordinating national efforts in dealing with the problem and formulating integrated mine action programmes in order to facilitate smooth co-operation with partners.¹¹² In 2002, mine risk education reached 301,372 people.¹¹³

Since February 1999 until August 2000, the Ethiopian De-mining Project, which is currently under way, has cleared 261,244 anti-personnel

111 *Ibid.*

112 *Ibid.*

113 Interview with Temesgen Abraha, Mekelle, 15 January 2003.

landmines and 13,013 anti-tank mines.¹¹⁴ By January 2003, it had cleared 396,555 square metres of land in Tigray, destroying 132 anti-personnel landmines, 12 anti-vehicle mines and 251 UXO.¹¹⁵ In 2002, 67 new landmine/UXO casualties were reported. Casualties were reported in the Tigray region in 2003, with three persons killed and thirteen injured in mine and UXO incidents by the end of May.¹¹⁶ A national Landmine Impact Survey was due to be completed in October 2003.¹¹⁷

Although Ethiopia was one of the first countries to sign the Ottawa Treaty, it has yet to ratify the same. In his statement at the third meeting on landmines in Managua, Mr Meheret Getahoun (Head of the Ethiopian Delegation) stated that although Ethiopia has yet to ratify the treaty, it has been practically implementing the provisions and objectives of the treaty. He further affirmed that “Ethiopia is ready to ratify the Treaty when those warring states in our region are willing to adhere to the international legal norms that ban the use of anti-personnel landmines.”¹¹⁸ Ethiopia voted in support of the UN General Assembly Resolutions promoting universalisation and implementation of the MBT.

Ethiopia has stated that it does not produce antipersonnel mines, and has not imported antipersonnel mines since the overthrow of the Mengistu regime in 1991.¹¹⁹

Ghana signed the MBT on 4 December 1997 and ratified it on 30 June 2000. The treaty came into force for Ghana on 1 December 2000.

Ghana did not submit its first Article 7 transparency report as expected by 30 May 2001 but has subsequently done so. Ghana also did not participate in the Second Meeting of State Parties in September 2000 but

114 Statement, Mr Meheret Getahoun (Head of the Ethiopian Delegation) Third Meeting of the States Parties to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction held in Managua, Nicaragua, 19 September 2001.

115 Interview with Teklewold Mengesha, EMAO, 30 January 2003.

116 ICBL, Landmine Monitor Report 2003: Towards a mine-free world, Human Rights Watch, Washington, 2003, p 519.

117 UN, “Portfolio of mine-related projects 2003”, October 2002.

119 *Ibid.*

119 Landmine Monitor Report 2002, p 549.

attended the May 2001 meetings.¹²⁰ The country participated in the Bamako Seminar on Universalisation and Implementation of the MBT in Africa, held in Mali in February 2001. It voted for the November 2000 UN General Assembly resolution supporting the MBT.

Ghana has never produced or exported anti-personnel mines and according to military sources Ghana does not have stockpiles of mines.¹²¹ Landmines have not been a problem in the country.

Kenya signed the MBT on 5 December 1997 and ratified it on 23 January 2001. The Treaty entered into force on 1 July 2001. The country submitted its initial Article 7 transparency report on 27 December 2001, covering the period from 28 January 2001 to 28 December 2001. It submitted its first annual update on 15 May 2002, covering the period 29 December 2001 to 30 April 2002. Kenya has not produced or exported landmines.¹²²

This country has destroyed its entire stock of anti-personnel mines two years ahead of its own set deadline. It had set 1 July 2005 as the date by which it intended to have destroyed all its mine stockpiles. It completed the destruction of 35,774 mines in August 2003 in a “controlled and environmentally friendly detonation.”¹²³ It is apparent that of the declared 38,774 the country has retained 3,000 as per Article 3 of the treaty.¹²⁴ The report also indicated that Kenya submits a timely and regular annual progress report to the UN General Secretary as required under Article 7 State Parties.¹²⁵ Perhaps in recognition of these bold moves by Kenya, Nairobi was nominated to host the First Review Conference from 29 November–3 December 2004.

120 See <http://www.icbl.org/lm/2001/ghana>, accessed on 9 January 2004.

121 *Ibid.*

122 For more on this see; Landmine Monitor Reports 2001, 2002 and 2003.

123 This is from a speech read by Kenya’s Assistant Minister for National Security, Mr Stephen Tarus while addressing a conference on landmine eradication in Bangkok, Thailand on 18 September 2003, *Daily Nation*, 19 September 2003.

124 Article 3 states that the number of retained mines “shall not exceed the minimum number absolutely necessary.” It allows state parties to retain or transfer a number of mines for the development of and training in mine detection, mine clearance, or mine destruction techniques.

125 *Op cit.*, speech by Kenya’s Assistant Minister for National Security, Mr Stephen Tarus.

Nigeria is not listed among the estimated 26 African countries that suffer from some level of mine contamination.¹²⁶ It signed the MBT on 23 July 2001 and ratified it on 27 September 2001. The treaty entered into force for Nigeria on 1 March 2002.¹²⁷

Although Nigeria has not submitted its annual report to the UN, it has shown some commitment in the area of global action against the use of landmines. The ICRC, in collaboration with ECOWAS, organised a Conference on Arms and International Humanitarian Law: The Convention on Conventional Weapons (CCW) and the Ottawa Treaty, in Abuja, 10–11 October 2001, which was attended by fourteen countries of the region.¹²⁸ Nigeria also co-sponsored and voted in favour of the UN General Assembly Resolution 56/24M on 29 November 2001, calling for the full implementation of the MBT.¹²⁹ Similar initiative was demonstrated on 22 November 2002, when Nigeria again voted in favour of the UNGA 57/74 calling for the universalisation and implementation of the Treaty.¹³⁰ Nigeria did not, however attend the Third Meeting of State Parties in September 2001 in Managua, Nicaragua¹³¹ but attended the Fourth Meeting of States Parties in September 2002 and participated in inter-sessional Standing Committee meetings in February and May 2003.¹³²

Nigeria is not a signatory to the CCW and did not participate in the third annual meeting of State Parties to Amended Protocol II or the Second CCW Review Conference in December 2001 in Geneva. However, the Nigerian government expressed its support for the CCW, stating that the CCW is “an indispensable complement to the prohibition of anti-personnel mines and we should, therefore, consider the two treaties together,” noting that “anti-personnel mines are not the only weapon or

126 Ethiopia, Eritrea, Kenya and Senegal are the countries listed among the 8 countries under consideration. See <http://members.iinet.net.au/~pictim/mines/history.html>

127 <http://www.icbl.org/lm/2002/nigeria.html>

128 *Ibid.*

129 *Ibid.*

130 *Op cit*, Landmine Monitor Report 2003 at <http://www.icbl.org/lm/2003/Nigeria.html#fn2865>

131 *Op cit*, Landmine Monitor Report 2002.

132 *Op cit*, <http://members.iinet.net.au/~pictim/mines/history.html>, accessed on 4 January 2004.

ammunition that creates unimaginable suffering.”¹³³ Nigeria’s initial Article 7 transparency report was due on 28 August 2002 but by June 2004 had not been deposited with the UN. No explanation has been given.¹³⁴

On production, transfer, stockpiling and use, Nigeria is not known even to have produced or exported anti-personnel mines. The government has stated that it has not acquired or used antipersonnel mines since the 1967–1970 Biafra Civil War.¹³⁵ On the contrary, however, slides presented to State Parties in May 2002 indicated that Nigeria still had antipersonnel mines in stock.¹³⁶ The January 2002 instance, where a young man was reportedly injured after stepping on a landmine after an explosion at the Lagos Ammunition Transit Depot, raised doubts about Nigeria’s status regarding landmines in the country.¹³⁷

Senegal signed the MBT on 3 December 1997, ratified it on 24 September 1998 and became a State Party on 1 March 1999. Senegal is also Party to the Amended Protocol II of the CCW.

The use of landmines in Senegal has come about largely as a result of the conflict between the government and the secessionist group, the Movement of Democratic Forces of Casamance (MFDC). Although both the government and the MFDC claim to have ceased using them, mines remain a problem, not only killing or maiming civilians but also adversely affecting the agricultural, transport and tourism sectors of the economy. A study conducted by Handicap International (HI) in 2002 in the Deattacounda district of Casamance – where landmines are believed to be

133 Address by the Minister of State for Defense (Navy), Abuja, Nigeria, 10-11 October 2001. Also see <http://www.icbl.org/lm/2002/Nigeria.html#fn2630>

134 Op cit, Landmine Monitor Report 2003.

135 Landmine Monitor Report 2001, pp 256–257. Nigeria denied allegations that its ECOWAS troops used mines in the 1990s in Liberia and Sierra Leone. See Landmine Monitor Report 1999, p 203. In February 2001 the Chief of Operations of the Nigerian Army stated that most Nigerian anti-personnel mines were used up in the war and remaining stocks were destroyed shortly thereafter. He reiterated that no anti-personnel mines are kept for training or development purposes. See Landmine Report 2002 at <http://www.icbl.org/lm/2002/Nigeria.html#fn2630>

136 See <http://www.icbl.org/lm/2002/Nigeria.html#fn2630>

137 Today in the Nigerian Papers, *P.M. News*, 29 January 2002; see also Landmine Monitor Report 2002, p 386 or <http://www.icbl.org/lm/2003/Nigeria.html#fn2865>

most prevalent – revealed that 70 per cent of those interviewed indicated that their movement was restricted because of landmines.¹³⁸ In 2000 and 2001, 57 and 56 casualties were reported respectively. In 2002, at least 48 new mine casualties were documented and from January to June 2003, 3 people were killed and 12 injured by landmines.¹³⁹

The major areas affected by landmines are the Ziguinchor, Oussouya, Bigneria and Kolda regions.¹⁴⁰

On the production, transfer, stockpiling and use of landmines, government officials have stated that the country has never produced, transferred, stockpiled or used anti-personnel mines.¹⁴¹ They believe the MFDC rebels lay the mines in Casamance.¹⁴² Abbot Diamacoune Senghor, the leader of MFDC, denied that his organisation had systematically used mines but acknowledged that MFDC combatants, in some uncontrolled circumstances, may have laid them.¹⁴³ It has been estimated that anti-vehicle mines caused a total of 43 of the 57 mines incidents.¹⁴⁴ The number of mine casualties decreased slightly to 57 in 2000 from 195 in 1988.¹⁴⁵

Efforts are, however, underway by the government to tackle the landmine problem. In the Banjul Declaration of 26 December 1999, the government and the MFDC committed themselves to not using anti-

138 http://www.mineaction.org/sp/countries/countries_overview.cfm?country_id=Senegal, p 2, accessed on 9 January 2004.

139 See the various annual Landmine Monitor reports of the International Campaign to Ban Landmines (ICBL), for example, Landmine Monitor Report 2003: Towards a mine-free world, Human Rights Watch, Washington, 2003.

140 Contained in the Senegalese government annual report submitted under Article 7 of the Mine Ban Treaty to the United Nations.

141 Interview with Col. AA Ndaw, Dakar, 8 January 2001, contained in Senegal Landmine Report at <http://www.icbl.org/lm/2001/senegal/>, p 2, accessed 9 January 2004. Also see Landmine Monitor Report 2000, p 97.

142 The Commander of Légion at the Zinguinchor Gendarmerie, Lt Col. T Diouf accused the rebels of laying new mines after attacking some villages. This, he believes, is part of their runaway strategy. See <http://www.icbl.org/lm/2001/senegal/>, p 2.

143 Interview with Abbot A D Senghor, leader of the MFDC movement, Zinguinchor, 11 January 2001 at <http://www.icbl.org/lm/2001/senegal/>, p 2, accessed 9 January 2004.

144 <http://www.icbl.org/lm/2001/senegal/>, p 2, accessed 9 January 2004.

145 See Handicap International Report, Les victimes de mines en Casamance, November 2000.

personnel landmines in future.¹⁴⁶ An Army Engineers De-mining and Reconstruction Project is under consideration at an estimated cost of 9 billion French CFA (US\$ 12.3 million).¹⁴⁷ There is also a key donor interest in finding a solution to the problem. The European Union (EU) and the Belgian Co-operation are prepared to join the mine action funding.¹⁴⁸ The government's interest in this area is, however, considered to be limited.¹⁴⁹

In addition to this anticipated programme, military engineers under a mine clearance and mine awareness programme have conducted some military mine clearance in the western part of Casamance.¹⁵⁰ In this exercise of 24, 30 and 31 December 2000, three anti-vehicle mines were cleared.¹⁵¹ HI has also contributed to the creation of "village mine committees" trained to provide mine awareness to children as a part of the regular school curriculum.

South Africa was the third country to sign the 1997 MBT on 3 December 1997 and ratified it on 26 June 1998. The treaty entered into force on 1 March 1999. While it is not considered mine-affected, SA has had some landmine incidents, especially during the liberation struggle.¹⁵² Apartheid South African state security forces sometimes placed mines on suspected African National Congress (ANC) routes and the ANC occasionally also laid mines on farm roads. It has been claimed that in the past South Africa was the largest African producer and exporter of landmines.¹⁵³ South Africa's mines have been found in Angola, Mozambique, Namibia, Zambia and Zimbabwe and exported further afield to Rwanda, Somalia and Cambodia.

146 See Landmine Monitor Report, 2000, p 98.

147 *Op cit.*, p 3, Handicap International Report, Les victimes des mines en Casamance, November 2000.

148 *Ibid.* p 3.

149 *Ibid.*

150 *Op cit.*, Landmine Monitor Report 2003: Towards a Mine-Free World, Human Rights Watch, Washington, 2003, p 417.

151 *Ibid.*

152 R Sherman & N Stott, The Southern African Development Community and the Landmine Ban Treaty, *African Security Review*, Vol 9 No 5/6, 2000.

153 A Vines, *Still killing: Landmines in Southern Africa*, London: Human Rights Watch, 1997.

South Africa is a past producer and exporter of anti-personnel mines. However, it no longer has the capacity to produce them. Destruction of its stockpile of mines was completed by October 1998. The country has retained a limited number of anti-personnel mines for training soldiers to deal with anti-personnel mine threats during peacekeeping operations, as well as for the development of effective de-mining equipment, and for de-mining research and military/civilian education purposes as provided for under Article 3 of the MBT.

Today, South Africa plays a leading role in efforts to universalise the MBT in Africa. It participates actively in the inter-sessional work programme, the various Standing Committees and the annual meeting of States Parties to the MBT. The country co-sponsored and voted in favour of all UN General Assembly resolutions relating to the banning and clearance of landmines, including those calling for the universalisation and implementation of the Convention.

Uganda hopes to embark on the systematic destruction of some of the illicit weapons that have been voluntarily surrendered or forcibly captured. These include landmines and anti-personnel mines that have been in the custody of the state. Uganda signed the MBT on 3 December 1997, ratified it on 25 February 1999, and the Treaty came into force on 1 August 1999.¹⁵⁴ Uganda also voted in support of UN General Assembly Resolution 57/74 in November 2002, promoting universalisation and implementation of the MBT.¹⁵⁵

Uganda has declared that it has a stockpile of 6,782 mines, of which it would destroy 4,382 while the balance of 2,400 would be retained for training purposes.¹⁵⁶ However, by May 2003 the landmine stocks for destruction had increased with the capture of additional mines from the rebels that have been fighting the government for the last 17 years.

Among the seven countries reviewed, South Africa is the only country with capacity to de-mine. It is actually emerging as a leader in the field of mine clearance equipment and believes that it possesses leading de-

154 Uganda Landmine Monitor Report 2003 also found at <http://www.icbl.org/lm/2003/uganda.html> accessed on 12 January 2004.

155 *Ibid.*

156 *Ibid.*

mining technology and expertise as well as the medical capability and experience to assist mine victims. Mechem, a specialised engineering division/subsidiary of South Africa's state-owned arms giant Denel, has since 1991 been contracted by both the UN and private organisations to de-mine affected areas all over the world.¹⁵⁷

Table 3: 1997 Mine Ban Treaty

Country	Position	Date of signature	Date of ratification/ accession	Date of entry into force	Initial Article 7 report submitted	2003 UNGA resolution 58/53	Fourth meeting of state parties
Ethiopia	Signed	3 Dec 1997	–	–	No	Yes	Yes
Ghana	Ratified	4 Dec 1997	30 June 2000	1 Dec 2000	Yes	Yes	Yes
Kenya	Ratified	5 Dec 1997	23 Jan 2001	1 July 2001	Yes	Yes	Yes
Nigeria	Acceded	27 Sept 2001	27 Sept 2001	1 March 2002	No	Yes	Yes
Senegal	Ratified	3 Dec 1997	24 Sept 1998	1 March 1999	Yes	Yes	Yes
South Africa	Ratified	3 Dec 1997	26 June 1998	1 March 1999	Yes	Yes	Yes
Uganda	Ratified	3 Dec 1997	25 Feb 1999	1 Aug 1999	Yes	Yes	Yes

Source: Landmine Monitor Report 1999, 2000, 2001, 2002 and 2003

¹⁵⁷ For information on past production, transfer, and stockpiling see Landmine Monitor Report 1999, pp 83–84, Landmine Monitor Report 2000, pp 103–104, and Landmine Monitor Report 2001, pp 148–149.