

# **SUMMARY PROCEEDINGS**

Engaging Non-State Actors in a

## **Landmine Ban**

### **A PIONEERING CONFERENCE**

**Geneva, 24th and 25th March 2000**

**International Conference Centre of Geneva**

**CICG - Geneva**

**Hosted by the Swiss Campaign to ban Landmines in cooperation with the Colombian Campaign to ban Landmines, Mines Action Canada, the Philippine Campaign to ban Landmines, the UK Working Group on Landmines and the Zimbabwean Campaign to ban Landmines**

The Non-State Actors Working Group of the ICBL consists of:

Afghan Campaign; Australia Campaign; Colombian Campaign; Indian Campaign; Italian Campaign;  
Kenya Campaign; Mines Action Canada; Nepal Campaign; Pakistan Campaign; Palestine Campaign;  
Philippine Campaign; South African Campaign; Swiss Campaign; Thailand Campaign;  
the UKGLM and the Zimbabwean Campaign

**Engaging Non-State Actors in a Landmine Ban :  
A Pioneering Conference**

**24 to 25 March 2000, Geneva**

## **Summary Report**

*"NSAs must be engaged because NSAs are part of the landmine equation. They are part of the problem, and they are part of the solution. They may be perpetrators but they or the people or the cause in whose names they fight can also be victims. They too have or can have a stake in stopping the inhumane destruction caused by landmines. ... This conference will not pre-judge our respective starting points but rather seek to understand. To understand, so we can engage. To engage one another so that we can create enough momentum to propel us to a shared future - a world without mines, a world without wars, a world where there is no cause and wherewithal to go to war, a just and peaceful world. This is the challenge."*

Miriam Coronel Ferrer, co-Chair, ICBL NSA Working Group

*"... yesterday, as I was sitting there, to my right and to my left were two NSAs from one country, one Marxist, the other Islamic, and I was in the middle. I found that it was so great that they are ... under the same roof. I believe that the message that goes beyond all that was said is the fact that human beings have the capacity of reaching one another; given an atmosphere of fairness, if you give time to listen to the other, dialogue starts. I take this opportunity to address my NSA colleagues. I believe that we have come together around the real problems that are facing humanity, such as the mines that brought us all here. We came not knowing whom else we are going to meet from the other side. How does he think? What are his plans? What will his next steps be in the field? But we are going back with one thing, we have shared our experiences ... I think that part of fear of reaching the other has been broken and we are going to keep it."*

Edward Lino Abyei, Sudan People's Liberation Army/Movement

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## **1. INTRODUCTION**

On March 24 and 25, roughly 120 people from over 30 countries in Africa, Asia, Middle East, the Americas and Europe gathered to discuss the most effective ways of drawing non-state actors (NSAs), defined as armed opposition groups, into a humanitarian solution to the landmine crisis. Participants included representatives of national landmine ban campaigns, operational and advocacy non-governmental organisations (NGOs) working in relevant fields, mine clearance specialists, the International Campaign to Ban Landmines, the ICRC, UNICEF, research institutes and academics. Representatives from the Moro Islamic Liberation Front (Philippines), TMK (former Kosovo Liberation Army (KLA)), Sudan People's Liberation Army, Polisario Front (Western Sahara), PKK (Northern Kurdistan/Turkey), and the RPA-ABB (Philippines) openly participated. In addition, NGOs and individuals who work with or are closely acquainted with Burmese NSAs, the Tamil militants (Sri Lanka), NSAs in the Caucasus, Zapatistas (Mexico), Colombian insurgent groups, Taliban (Afghanistan), Guatemalan demobilized guerrillas, Palestinian Liberation Organization and Irish NSAs were present. Representatives of the governments of Albania, Austria, Belgium, Canada, Colombia, Pakistan, Philippines, Slovenia, South Africa, and Switzerland attended as observers.

The conference began with the assumption that the complete elimination of landmines was desirable, and that a direct approach to at least some NSAs using them would be instrumental to achieving that goal. The following summarises the conclusions, recommendations, and highlights of the discussions. Full conference proceedings are forthcoming.

## **2. CONCLUSIONS**

1. Although the conference consolidated opinion that the NSA element of the landmine crisis needs to be addressed, there was less consensus on how to go about this task. Two main points of divergence emerged: the importance of addressing the relation of the anti-landmine campaign to initiatives to resolve the conflict and to address the underlying causes of the conflicts in which NSAs are involved; and the utility of public declarations and an open approach as opposed to quiet educational work.
2. A sense emerged that NGOs, governments promoting human security, international organisations, NSA constituencies, and NSAs themselves have complementary and mutually supportive roles to play in engaging NSAs in a landmine ban. There was a broad agreement that working together would increase the chances of success in achieving this common goal.
3. The groups described by the term 'NSA' vary greatly, but the term is generally used to refer to organisations with less than full international recognition as a government, who employ a military strategy. Mercenaries and armed groups covertly directed by governments are best approached through the governments or companies who direct their

activities. Questions which need to be resolved in order to develop a systematic approach, but which are perhaps best left to a case by case consideration, are whether only NSAs who use mines should be engaged, whether NSAs without political agenda or ideological motivation are open to approach, and how the level of organisation of an NSA should determine the approach. In the end, abstract classifications should not hamper the effort to engage as many groups as possible in the landmine ban.

4. At least four general challenges to engaging NSAs emerged. First, approaching NSAs cannot be done in isolation of the broader context and therefore great care not to exacerbate the armed conflict must be taken. Second, NSAs are less likely to be receptive to the anti-landmine message than governments who are at peace or who have greater access to weapons systems and other resources; in general, NSAs might be unwilling to relinquish even a marginal military advantage. Third, governments might block access to NSAs who oppose them. Fourth, the political space for the public to play the crucial role it did in promoting a ban to governments might not exist in regions in conflict.
5. It was clear that many NSAs need to be convinced that landmines are unacceptable weapons. The vital importance of providing education to both NSAs and their constituencies about the indiscriminate nature of landmines and, more generally, about international humanitarian law (IHL) and international human rights standards was stressed numerous times throughout the conference. International standards, as well as moral, traditional, ideological, religious, and local social frameworks can be used as points of reference in this effort. As a matter of strategy, it is important to carefully analyze the situation in which the NSA is operating and develop an approach based on that analysis.
6. It is in the interests of NSAs to stop using mines: it will end loss of friendly combatants; it could encourage opponent governments to stop using mines; it could mean political gain internationally; it could increase support of the local community and broader constituency. There was less consensus on a definition of what should be banned, however; specifically, anti-tank mines were raised as a humanitarian concern by some.
7. Due attention to and support for other aspects of mine action in areas under the de facto control of NSAs is required. It is in the context of this kind of practical mine action - from mine clearance to victim assistance - that support for a ban can be built in the first place among constituents and NSA rank and file.
8. Although NSAs can't sign on to international law, they can accept the standards established in international law and issue unilateral declarations. The international NGO Geneva Call based in Switzerland, with future regional points, could provide a useful function as guardian of these commitments, and potentially play an important role in facilitating communications with and among NSAs on matters relating to IHL.
9. Other useful frameworks for an NSA landmine ban are bilateral agreements with governments (eg cease-fire or peace agreements) and community-enforced peace zones. Amending the Ottawa Treaty should not be ruled out, but it is not obvious that it is the best means of engaging NSAs in a ban and the potential for weakening the treaty in the process of amendment demands caution.

10. Although education and capacity building for a ban were generally given higher priority, monitoring of compliance to international standards and public declarations was called for by many participating NSAs as a way of ensuring that both sides are living up to their commitments. Landmine Monitor and Geneva Call, as its capacity develops, each have a potential role to play in monitoring NSA commitments. NSAs could also try submitting reports on their compliance with international conventions (e.g the Ottawa Treaty Article 7, Geneva Conventions, or amended Protocol II of the CCW) to the official depositories of these conventions.

### **3. RECOMMENDATIONS AND NEXT STEPS**

1. a summary report of the conference will be prepared and forwarded to participants, governments committed to the human security agenda, NSAs, NGOs, and international organisations;
2. full conference proceedings will be written and disseminated widely to participants, governments, NSAs, NGOs, and international organisations at the Second Meeting of States Parties to the Ottawa treaty in September 2000;
3. the framework of approach drafted during the conference should be further developed through workshops at the field level, further integrating the experience and research of the Henri Dunant Centre, ICRC and humanitarian organisations working with NSAs, and finalised through an internal ICBL review;
4. further study of legal and normative frameworks, including a combined humanitarian law and human rights approach, and how they might be used to engage NSAs in a landmine ban is needed;
5. ways of collaborating with and supporting the Swiss-registered international NGO Geneva Call as a clearing house for unilateral declarations and a body to monitor NSA commitments need to be further discussed;
6. the possibility of supporting an inter-NSA conference on landmines, proposed by NSAs at the conference, should be considered by the ICBL NSA working group;
7. the merits and risks of amending the Ottawa treaty to include NSAs at the 2004 review should be explored through internal ICBL discussion, through the General Treaty Status working group of the Intersessional Standing Committee of Experts (ISCE) process, and through further dialogue with NSAs;
8. the ISCE on victim assistance and mine clearance should be encouraged to give explicit attention to NSAs and areas under NSA control;
9. consideration should be given to developing strategies to ensure that the International Criminal Court (ICC) statute is amended in its first review conference (seven years after its entry into force) to make the use of antipersonnel mines an international crime;
10. the recommendation that NSAs be asked to report on their implementation of

international norms on landmines, perhaps following the pattern of the reports required under Article 7 of the Ottawa treaty, should be followed up;

11. a training component for Landmine Monitor researchers on conducting research into NSA areas of control should be considered;
12. further research on the impact of landmines used by NSAs and on the impact landmines are having on NSAs and their constituencies needs to be conducted;
13. given concerns raised about anti-tank mines, serious attention should be given to what definition of landmine is used in education programmes and other efforts to engage NSAs in a ban;
14. support for the initiative inside the ICBL and from sympathetic governments and the capacity of the ICBL NSA Working Group to carry out the work needs to be developed;
15. a plan of action, including clear prioritisation of targets, and strategies of approach will be developed by the NSA Working Group;
16. work to engage NSAs that is already underway at the field level should continue and be supported, and new contacts with more NSAs established as main part of this conference followed up.

#### **4. HIGHLIGHTS OF DISCUSSION**

##### **A. An Overview of NSAs and Landmines**

Non-state actors, for the purposes of the conference, were defined as "armed opposition groups." The worldwide tally of NSAs with a basic command structure, a capacity to plan armed operations, and a basic understanding of the rules of humanitarian law, was estimated to be over 190. It was argued that a structured response to NSAs, complementary to the Ottawa mine ban process, was demanded by the sheer numbers, although the extent to which NSAs are implicated in the landmine problem is not yet known in detail. It was suggested that only political movements, guided by ideals, with a clear command structure should be engaged.

Another speaker suggested that the way forward is through education and dialogue at the field level. Every combatant is capable of understanding that it is illogical to make the land they are fighting for unusable. At this level, the critical element is building trust. This doesn't necessarily mean sympathy with the aims of the group, but clarity of objectives and a transparent humanitarian agenda. At the same time, it will be necessary to convince the leadership and ensure that combatants in the field do not have access to landmines. One of the difficulties that could be encountered is that the leadership may be remote from the people who are actually doing the fighting.

## **B. Legal and Normative Frameworks**

The major moral and legal frameworks for dialogue with NSAs on the landmine issue were identified as International Humanitarian Law, International Criminal Law, International Human Rights law, as well as diverse religious, traditional and ideological frameworks.

The ICRC outlined the international humanitarian law framework taken to apply directly to NSAs. Three principles of **customary humanitarian law** are broadly accepted to apply to all combatants (that is, including NSAs) at all times. These are the prohibitions on inherently indiscriminate weapons, weapons whose impact is disproportionate to military objectives (these first two are explicitly the basis of the 1997 Ottawa Treaty) and weapons whose use violates the public conscience. Within **conventional law**, amended Protocol II of the 1980 Convention on Certain Conventional Weapons (CCW) is of particular relevance to NSA work because it also applies to non-international armed conflict. It is also interesting in that it regulates the use of anti-vehicle mines - an important part of the humanitarian problem - and puts responsibility for clearing mines in the hands of those who laid them.

Opening the Ottawa Treaty to introduce an NSA element might not be a wise strategy as it could open the door to a weakening of other elements in the treaty. The ICRC concluded with the observation that the formal legal framework may be less relevant than the process of educating NSAs and their publics, and the process of mobilising the public conscience. The law needs to be understood as a reflection of social consciousness and should not be taken as the primary point of reference.

Following a presentation on applicability of human rights law to NSAs, it was argued that it might now be possible for a country to enact a law with universal jurisdiction, allowing countries to prosecute someone on their territory for landmine use wherever the act had taken place.

It was suggested that tolerance for dissent - both within the ranks and within the community from which they draw their support - is crucial for engaging NSAs in IHL and human rights. The ability of the NSA's community to express disagreement is especially important, as it is through the community that we have the best chance of succeeding in drawing NSAs into a landmine ban. For example, the ANC renounced mine use in 1980 because church groups - an important base of support - spoke out on the issue. They could only speak out because dissent was possible within the ANC.

## **C. Country Experiences and Views from Non-State Actors**

The experiences of NGOs working closely with NSAs were shared and statements made by



representatives of NSAs during a panel whose purpose was to get a sense of the present positions of NSAs and the challenges faced in engaging these groups in a total ban. While a commitment to a full mine ban is still evolving in many cases, the presence of the NSAs indicate that the table has been opened for dialogue with these groups, for the re-thinking and strengthening of a commitment to a ban. The ICBL calls for the universal implementation of a complete ban on anti-personnel mines. Among the highlights of the presentations:

**Afghanistan.** A statement issued in October 1998 by the Taliban, in which APMs are declared un-Islamic, was read out. The statement renounced all use of mines and called upon the world to stop using them. The Pakistan Campaign to Ban Landmines, working together with the Afghan Campaign, reported that the two campaigns are unaware of any credible report of mine use by the Taliban since this declaration was made.

**Burma.** The initial difficulty in promoting a landmine ban to Burmese NSAs was simply in contacting them. The NGO was transparent about their goals but indirect in their approach. The approach worked, and NSAs were open to discussion. They were told by one NSA that 50% of mines killed their own people. This NSA claimed that a full 80% of their mine-producers were killed or injured during their work. Another NSA discovered that up to 30% of the people injured by their mines were their own people, the people in whose names they fought; apparently this discovery caused them to change their policy. The NGO did not deal with the question of military utility, but argued for bans in terms of the political advantage to the NSA. This approach has met success, and the NGO expects that as many as 80% of NSAs will issue a statement of renunciation by the end of the year. To avoid misinterpretation of prepared statements, the NSAs are being encouraged to write their own statement of renunciation. The NGO decided to focus on NSAs which are political organisations with an active armed wing and leave the drug traffickers to one side. The first step was to get a statement from a non-combatant with high moral authority, the unrecognised winners of the 1990 election. Then the NGO began approaching the smaller players who are using landmines before approaching the larger NSAs.

**Caucasus.** People in the Caucasus are largely unaware of the landmine ban, and of IHL and human rights more generally. Education is necessary, but difficult given the problems of communication in the region. Another difficulty in reaching people in the region to arm them with awareness of this kind is a 'siege mentality' - people are wholly preoccupied with the demands of daily life. The situation is extremely complex and careful analysis would have to be undertaken in order to succeed in the region. A balanced approach to all the different groups would be necessary.

**Ireland.** Although no groups in Ireland have used landmines, two Irish delegates, with years of NSA experience on both side of the conflict, shared the lessons that they had learned about the importance of dialogue and the futility of violence to achieve political goals. Their presentation stressed the importance of a change of heart at the individual and community level and argued that work should be carried out in the context of the overall effort to transform a violent conflict into a non-violent one.

**Kosovo.** A general from the former KLA spoke of the suffering of the people in the Kosovo region from the fact that 4% of the territory was mined. He stated that the KLA was against the use of anti-personnel landmines, and were seeking to end their production everywhere in the world, because sooner or later they would find their way into the ground once they were produced. Although the general claimed that KLA had not used anti-personnel mines, this

claim was disputed by a later speaker.

**Northern Kurdistan/Southeast Turkey.** The PKK delegates explained how Kurdish civilians have suffered from mines.

**Philippines.** The Moro-Islamic Liberation Front made a statement that its use of both anti-tank and anti-personnel mines was "strictly defensive and discriminate," as demanded by Islamic rules and the rights of non-combatants. It was not clear whether by "discriminate use" MILF was referring to command-detonation or it is still reserving the right to use victim-activated anti-personnel mines in certain situations. In the context of a bilateral agreement with the Philippine government, the MILF leadership has accepted a responsibility to investigate any unauthorised use of landmines, stop it, and punish offenders. MILF called for monitoring of the bilateral agreement, to ensure that both sides comply with its terms. For its part, the Revolutionary Proletarian Army (RPA-ABB) renounced all use of landmines. It stated that using mines runs counter to its goals of empowering the oppressed and improving their economic condition. The group has adopted a policy that not a single civilian will be damaged in its active opposition to the state.

**Sudan.** One of the biggest problems encountered in mine action in southern Sudan is that minefields are accepted as a normal part of life. For their part, NSAs who used mines formerly accepted the impact of mines on civilians as normal 'collateral damage' of warfare. From the Sudanese experience, it was asked why ATMs, given the humanitarian problems they cause, aren't part of the Ottawa process. The SPLA/M called for immediate assistance with humanitarian mine clearance. A difficulty in conducting humanitarian mine action in "pockets of peace" (stable areas where people are trying to live or to return) is that donors are sceptical about the logic of carrying out mine action before the war is over.

**Sri Lanka.** With the beginning of the United Nations demining programme in the north, people began to wake up to the fact that there was an alternative to living with mines. Now people are asking the LTTE, 'are we fighting for a homeland or for a mineland?' Two connected difficulties in trying to promote a ban to the LTTE is the lack of room for internal dissent (and absence of a political wing) and the fact that Sri Lanka has made it illegal to talk to the LTTE.

**Western Sahara/Morocco.** The Polisario Front declared itself ready to support the campaign against landmines in implementing a ban on landmines in the Western Sahara.

The speakers from **Guatemala, Mexico** and **Palestine** reflected on the difficulties resulting from the continuing conflicts in their respective nations.

The speaker from **Colombia** spoke about the general conflict in his country, but didn't really address the issue of landmines.

#### **D. Government Responses**

The Henri Dunant Centre for Humanitarian Dialogue provided a summary of the main points of discussion of two recent inter-governmental meetings on humanitarian engagement of Non-State Actors. With the exception of the ICRC, efforts to engage NSAs have been ad hoc, utilising different principles of engagement, different agreements and so forth. It is clear that the humanitarian community needs to develop a more consistent approach. Six main

conclusions can be drawn from the two meetings. First, there is a need to develop common minimal principles of engagement to frame humanitarian approaches. Second, in any engagement, the humanitarian objective needs to be clearly articulated and understood. The experience has been that objectives are prone to shifting over the process of engagement and this can be very confusing to both sides. The ICBL's focussed objective is a big advantage in this respect. Third, detailed analysis of the sources of leverage, of the use of leverage, of legitimacy, and so on is required before any process of negotiation begins. Fourth, if a consortium approach is adopted, representation should be very clear and the lead representative of the group needs to be identified. The humanitarian community needs to be clear among its own members on who is representing whom before an approach is made. Fifth, the comparative advantage of each of the various players - government support groups, ICRC, UN, NGOs - needs to be understood and used according to the context. Sixth, it is clear that a lot of progress needs to be made in this area. It is becoming increasingly uncontroversial that this is an appropriate, legitimate activity and policy needs to reflect this consensus. For example, governments may have to relax visa restrictions to allow the entry of senior NSA representatives to attend meetings such as this one. Research needs to be done into the most appropriate forms of agreements, their benefits and constraints. The UN Memorandum of Understanding (MOU) with the Taliban in 1998, for example, is seen by many as more constraining than useful. The utility of various types of agreement generally has to do with the level of engagement with the NSA. An important step in making such agreements work is its broad dissemination within the NSA, the area of conflict and opposing forces. Targeted sanctions need to be developed so that a fall back, balanced with incentives, exists when negotiations fail. Travel and financial sanctions should be explored further. Sanctions of course need to be approached carefully so that they provide room for engagement, as in the case of the UN sanctions on UNITA, which allows contact with UNITA for humanitarian purposes. One strategy that has been tried and simply does not work is using aid as a lever with NSAs.

Participants responded to the findings of the two Dunant Centre (inter-governmental) meetings with a number of observations. First, in approaching NSAs, it is important that humanitarian organisations do not assume that the NSA will trust them; trust needs to be built. A clearly articulated objective will help to build this trust. Second, it is important to develop a joint approach to the government and NSA and not approach them in isolation of each other - not least because this may be necessary to gain access to the non-state in the first place. This can provide an opportunity to build confidence between the warring parties and, in this way, support reconciliation. Third, legal niceties might mean far less at the community level than moral arguments. The lesson from the Ottawa treaty that signing a ban agreement does not mean that actors cease using mines needs to be seriously considered.

A number of government observers expressed their views on the ICBL's NSA initiative:

**Australia** believes that the achievement of a landmine free world can only be accomplished if NSAs as well as states are engaged in questions of compliance.

**Canada**, while generally in favour of changing the behaviour of actors to prevent the landmine problem from getting worse, expressed caution about the sensitivity of states to NSAs, and called for particular attention to the sensitivities of "pro-ban" states. Canada does not accept that the presence of an NSA using APMs justifies a government's failure to sign the treaty. Canada encourages a broader focus than legal instruments, and promotes working with NSA constituencies to build support for a ban and preventative action so that NSAs actually

cannot use mines.

The **Republic and Canton of Geneva** announced that it would ask the Swiss government to introduce a clause covering NSAs, inspired by additional Protocol I of the Geneva Conventions, at the review conference of the Ottawa Treaty in 2004. In the meantime, Geneva offered to act as a guardian of unilateral declarations of mine renunciation made by NSAs and received by the Geneva Call, an NGO working to impartially engage NSAs in IHL.

**Slovenia** was also strongly supportive of ICBL NSA work. Governments alone cannot effectively bring about control of the landmine problem. Slovenia noted that the flexibility and informality of NGOs put them in a better position than states to engage NSAs and that the possibilities for new government-NGO collaborations on this level should be explored.

**Switzerland** considers the issue of NSAs one of the most important faced in the world today. NSAs can be a threat to IHL and peace, but also a part of the solution to humanitarian and political problems. NGOs, international organisations and corporations are often better situated than governments to work with NSAs. Switzerland encourages them to continue in efforts to reinforce humanitarian principles as well as reconciliation and peace. At the same time, governments have an obligation to respect and ensure respect for IHL under common article 3 of the Geneva Conventions. This conference is very welcome and more initiatives must follow to improve human security worldwide.

In responding to the presentations by government observers, participants pointed out that it was important to avoid being too black and white about categories. First, not all NSAs fall into the same legal box. Of late, there has been a tendency to criminalise all NSAs and depoliticise their struggles; as IHL recognises, not all NSAs are criminal, and not all forms of political protest should be criminalised. It is therefore important to hear governments reaffirm the IHL framework. Second, the categories of "state" and "non-state" are not as clear-cut as may appear. Some NSAs in appearance are actually formed and operated by states. Conversely, some NSAs - the Palestinian Authority and Polisario, for example - have some international recognition and more or less operate as governments.

It was asked why APMs and not other kinds of mines have been considered a problem. From the perspective of affected people in southern Sudan, the distinction between APMs, ATMs, cluster bombs and other UXOs is difficult to understand: all are mines and all are killing people. The NSA initiative should adopt a definition which addresses what is actually causing the problem. The Canadian government representative answered that, for its part, Canada makes no distinction among different mines and other UXO in terms of funding mine action programmes. In terms of a ban, Canada has accepted an obligation to ban APMs as defined by the Ottawa treaty.

An NSA representative noted that there was an important role for the NSA Working Group to play as liaison between governments and NSAs in the same country.

## **E. Mine Action and NSAs**

NGO representatives with victim assistance, mine clearance and advocacy experience reviewed the role of NSAs in mine action - victim assistance, mine clearance, and community rehabilitation - and the problem of carrying out integrated mine action in an active conflict. On the level of victim assistance, it was observed that NSAs might have a greater stake in a ban because the facilities to treat people injured by mines are often absent from their area of

operation. Resources for NSAs who are in a position to establish victim assistance programmes are available: Bad Honnef guidelines for development-oriented mine action, ICRC emergency care guidelines, ICBL victim assistance guidelines, and UNICEF guidelines for mine awareness.

The primary importance of mine clearance (clearing all UXO and not just anti-personnel mines) to address the mine problem, and of building an indigenous capacity to carry it out, was underscored. Local personnel trained to clear mines are sometimes connected with NSAs; mine clearance can thus be an important part of the peace process on the ground. Examples in which governments blocked or are blocking mine clearance in NSA-controlled areas - Palestine, Western Sahara, and Iraqi Kurdistan - were raised.

The Bad Honnef framework was promoted as a framework for post-conflict rehabilitation in which the conditions necessary for a lasting peace - where mines would no longer be used - can be built. The example of an integrated mine action programme in Angola was used to illustrate how a rehabilitation project was able to advance the reconciliation of UNITA and the population of a town - until the conflict between UNITA and the government escalated and landmines again became the currency of conflict, despite Angola's having signed the ban.

## **F. Principles of Engagement**

*Questions of recognition, neutrality, and solidarity and how anti-mine advocacy should relate to other initiatives to create a lasting peace were discussed in the first of three workshops.*

Beginning with the clear consensus that an impartial application of principles (landmines are bad in all situations) is essential, various participants stressed the importance of addressing NSAs in their own terms, working with allies within NSAs, of being clear and transparent about goals and capacities, respecting confidentiality, and of understanding each unique situation for strategic purposes. Certain complexities in working with NSAs were raised: appealing to self-interest of NSAs as a reason to join the ban might be perceived to be promoting their interests as against those of their government opponent; any level of engagement with NSAs can be perceived as a recognition of their legitimacy (i.e. whether or not recognition was intended); any approach to NSAs is open to political manipulation by either side and hence must be undertaken with caution to (minimally) avoid doing harm. It was suggested by several that, given these complexities, it would be important to consult further in developing principles for approaching NSAs. It was also suggested that there was nothing unique about the anti-landmine initiative, and that principles already established by the ICRC in its work with NSAs could be adopted. The importance of giving explicit attention to the relation between anti-landmine initiatives and initiatives aimed at establishing peace was a matter of unresolved debate.

## **G. Tools for Engaging NSAs**

*A second workshop looked at questions relating to legal and non-legal tools for engaging NSAs in a ban.*

The 1977 Additional Protocol I to the 1949 Geneva Conventions applies to certain NSAs and prohibits indiscriminate weapons like landmines. In some instances, NSAs could be prosecuted under international criminal law for use of mines. Bilateral peace treaties and ceasefire agreements can also bind NSAs to non-use. The Geneva Call, an international NGO

based in Switzerland, will promote the principles of humanitarian law to NSAs and seek unilateral declarations of commitment to IHL, including statements renouncing the use of landmines. It is thought that an NGO will have the freedom to play this role, unlike a government, which may possess diplomatic and trade relations with governments who are in conflict with NSAs. Unilateral declarations can be made either as standard or individualised statements. The utility of a standard statement is that it can act as a universal guideline. However, individualised statements that meet certain criteria (eg total ban, mine action cooperation) provide flexibility to respond to diverse situations, reflect diverse values (eg Marxist or Islamic), and also allow NSAs to be involved in the process more deeply, thus developing a better understanding of the issues. It was suggested that not only groups presently using mines, but groups who could use mines in the future should be engaged by Geneva Call. The Ottawa Treaty is up for review in 2004 and the possibility of amending it to cover NSAs can be explored. Monitoring of compliance was called for, by Geneva Call, or at the local level by communities affected (as in the Philippine 'peace zones'). The need to educate and mobilise civilians was stressed. It was suggested that international relations are very dynamic presently, and that there is room for more creative work where NSAs are involved in educating and monitoring each other. Geneva Call could facilitate communication among NSAs. A meeting among NSAs to discuss these ideas further was suggested, possibly under the auspices of Geneva Call.

## **H. Monitoring and Supporting a Ban Commitment**

*The third workshop examined means of monitoring and supporting compliance with a mine ban commitment.*

Geneva Call and either NGO or UN site inspections were suggested. UNICEF reported that the SPLA submits reports on its compliance with the Convention on the Rights of the Child. The workshop recommended that, in a similar manner, NSAs be asked to submit reports on their compliance with norms related to landmines, including a report modeled on article 7 of the Ottawa treaty. Wherever possible, NSAs should be involved in monitoring. A clear legal framework will help NSAs know what the expectations of those monitoring them are. In general, the workshop agreed that adequate monitoring mechanisms for NSAs already existed in the form of community pressure, self-regulation on the part of NSAs, and Landmine Monitor and developing further monitoring mechanisms was of lower priority than engaging NSAs and providing them with the support necessary to implement a ban. In some cases, failure to comply is less a matter of will than lack of capacity and resources. There are, moreover, obvious political complications to monitoring in a conflict situation and the workshop gave a greater importance to building trust, engagement and providing support for a ban. Providing support obviously has political implications of its own and so would have to be carried out with attention to the context, with an understanding of the political objectives of the NSA, and be integrated into existing conflict resolution and peace-building initiatives. In general, an approach integrated with other peace-building and development efforts was strongly endorsed. In this context, capacity-building for demining and funding for humanitarian initiatives in NSA-controlled areas was called for. Government support for such initiatives is important, but opens the door to political interference. Workshop participants called for a follow up meeting with more stakeholders. Acceptance of NSAs as partners in peace-building and conflict resolution was considered important.

Elisabeth Reusse-Decrey, Switzerland (ereusse@worldcom.ch)  
Prof. Myriam Coronel Ferrer, Philippines (ferrer6@attglobal.net)  
Mary Foster, Canada (macmary@web.ca)  
Paul Hannon, Canada (macpaul@web.ca)  
Richard Lloyd, UK (UKWGLM@email.msn.com)  
Eduardo Marino, Colombia (emarino@international-alert.org)  
Martin Rupyia, Zimbabwe (rupiyam@africaonline.co.zw)  
Soliman Santos, Philippines (gavroche@mail.info.com.ph)

**ANNEX 1**

## **ENGAGING NON-STATE ACTORS IN A LANDMINE BAN A PIONEERING CONFERENCE**

International Conference Centre of Geneva, (CICG) rue de Varembe 15, Geneva

24<sup>th</sup>. March 2000 - Friday

### **8:00 Registration**

### **9:00 Opening**

- Welcome *Elisabeth Reusse-Decrey, Parliament of Geneva, Swiss Campaign*
- Words from Host Country, *Guy-Olivier Segond, President of the Conseil d'Etat de la République et Canton de Genève*
- Opening Words, *Conference Chair, Jean Freymond, Centre for Applied Studies in International Negotiations*
- Conference rationale and objectives, *Miriam Coronel Ferrer, University of the Philippines, Philippine Campaign*

### **9:30 Panel 1 NON-STATE ACTORS AND LANDMINES**

- Introduction, *Martin Rupyia, Centre for Defence Studies, University of Harare, Zimbabwean Campaign*
- Global overview of non-state armed actors, *Gérard Chaliand, Fondation pour la Recherche Stratégique, France*
- Irregular Warfare and Landmines, *Rae McGrath, founder and former director of Mines Advisory Group (MAG), co-founder of ICBL*
- Questions and discussion

### **10:45 Coffee break**

### **11:00 Panel 2 LEGAL AND NORMATIVE FRAMEWORKS**

- Introduction, *Soliman Santos, Philippine Campaign*
- International Humanitarian Law and Customary Law, *Peter Herby, ICRC*
- International Criminal Law, *Carla del Ponte (TBC), International Criminal Tribunal*
- International Human Rights Law, *Andrew Clapham, Graduate Institute of International Studies (HEI), Geneva*
- Questions and discussion

### **12:30 Lunch**

**14:00 Panel 3 COUNTRY EXPERIENCES AND VIEWS FROM NON-STATE ACTORS**

- Introduction, *Eduardo Marino, ICBL Coordination Committee*
- Afghanistan, *Habib-Ur-Rahman Asem, Afghanistan Campaign*
- Burma, *Yeshua Moser, Nonviolence International, Thailand Campaign*
- Guatemala, *Maria Eugenia Villarreal, Central America Campaign*
- Sudan, *Aleu Ayieny Aleu, Operation Save Innocent Lives (OSIL) - Sudan*
- Caucasus – *Vladimir Kakalia, Abkhasia Campaign*
- Ireland & UK - *Eddie Kinner & Rodney McCartney – peace organisations*

24<sup>th</sup>. March 2000 - Friday

- Sri Lanka conflict - *Peter Bowling, IWG on Sri Lanka*
- Colombia - *Asdrubal Jimenez, Government Guerilla Peace Panel 1991-1992*
- NSA Views (in order)
  - Zapatistas (Mexico)
  - Former UCK-KLA (Kosovo)
  - PLO/PNA (Palestine)
  - Polisario (Western Sahara)
  - SPLA (Sudan)
  - MILF (Philippines)
  - RPA-ABB (Philippines)

**15:30 Coffee break**

**15:50 Continuation:**

**COUNTRY EXPERIENCES AND VIEWS FROM NON-STATE ACTORS**

- Views from representatives of non-state actors in Africa, Americas, Asia and Europe
- Questions and discussion

**17:00 Break for day**

**18:00 Aperitif offered by the State of Geneva**



# ENGAGING NON-STATE ACTORS IN A LANDMINE BAN A PIONEERING CONFERENCE

International Conference Centre of Geneva, (CICG) rue de Varembé 15, Geneva

25<sup>th</sup>. March 2000 - Saturday

## 9:00 INFORMAL DIALOGUE WITH GOVERNMENT REPRESENTATIVES

- Introduction, *Martin Griffiths, Henry Dunant Centre for Humanitarian Dialogue, Genève*
- Questions and discussion

## 10:00 Coffee break

## 10:15 Panel 4 NON-STATE ACTORS AND INTEGRATED MINE ACTION

- Overview, *Mereso Agina, ICBL Coordination Committee, Kenya Campaign*
- Non-state actors and Victim Assistance, *Susan Walker, Handicap International*
- Non-state actors and Mine Clearance, *Rae McGrath, founder and former director of Mines Advisory Group (MAG), co-founder of ICBL*
- Non-state actors and Community Rehabilitation, *Markus Haake German Initiative to Ban Landmines*
- Questions and discussion

## 11:00 ENGAGING NON-STATE ACTORS IN A BAN

- Introduction, *Mary Foster, Mines Action Canada*
- Overview of Principles, Tools and Support, *Soliman Santos, Philippines Campaign*
- Questions and discussion

## 11:30 WORKSHOPS (simultaneous)

- Principles of Engagement, *facilitators Edmundo Garcia, International Alert*
  - Tools for Engagement, *facilitators Miriam Ferrer, Philippine Campaign, and David Matas, Lawyers for Social Responsibility*
  - Monitoring and Supporting Implementation, *facilitator, Olu Arowobusoye, Nigeria*

## 13:00 Lunch

## 14:30 REPORTS FROM WORKSHOPS

- Principles of Engagement, *Yeshua Moser, Non-Violence International*
- Tools for Engagement, *Vladimir Kakalia, Abkhasia Campaign*
- Monitoring and Supporting Implementation, *Lare Okungu, Kenya Campaign*

## 15:30 Guidelines for Engaging Non-State Actors: Synthesis of Discussions and Workshops, *Richard Lloyd, UK Working Group on Landmines and Patricia Pakpoy, Australian Campaign*

## 16:00 Follow up proposals, *Paul Hannon, Mines Action Canada and Martin Rupiya, Centre for Defence Studies, University Harare, Zimbabwean Campaign*

## 16:30 Closing

Conference organized by the Swiss Campaign to ban Landmines, the Colombian Campaign to ban Landmines, Mines Action Canada, the Philippine Campaign to ban Landmines, the UK Working Group on Landmines and the Zimbabwean Campaign to ban Landmines

## Engaging Non-State Actors in a Landmine Ban: A Pioneering Conference

24 to 25 March 2000, Geneva

### Some messages received after the conference.

First of all, accept my warmest praise for putting together an unusual conference. I think it achieved some spectacular results and allowed most of us to meet a wide of range of new faces.

John Mackinlay, Centre for Defence Studies, London

\*\*\*\*\*

Just a quick note to congratulate you on the conference and to thank you for the invitation. I certainly found much of the meeting useful for my work in Sri Lanka. I am keen to be kept in touch with the Geneva Call process and ICBL NSA working group.

On reflection, I think that our meeting in Geneva was indeed groundbreaking and I hope only the start of a continued and long dialogue with - and most importantly, between NSA's on landmines in particular and more widely on human rights and responsibilities. We stand at a critical time as notions of global interdependence, of state sovereignty, the basis for international relations are changing and I fear that this change is currently being dictated - as ever - by the powerful multi-nationals and states. Any dialogue that may bring to the fore other voices - weather you agree or not with those voices must be supported.

Peter Bowling, Londres - Sri Lanka

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In my mind there is no doubt that it is most appropriate for the ICBL to be undertaking this sort of action. And I think that is the question that the ICBL should be asking. "Now that the rest of the world has caught up with us, how do we get out in front again?" One obvious answer is through this NSA project.

Sure, it seems an impossible project. But so was a Government-level ban in 1992. Ottawa fixed that. Of course there will be difficulties. Of course there will be existing sensitivities to worry about. But that is nothing new. They have all existed right from the start of the campaign. They were coped with, and will have to be coped with again.

My thanks to you and all your colleagues for the great work that was done by you all.

Neil Mander, New Zeland

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In this e-mail I would like to thank you so much for your efforts in making the NSA conference achieve all of this success. All of my congratulations, and I hope all these efforts will bring better situation for the human being in the future.

George Abu Al-Zulof, Palestine

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Je vous adresse mes plus vives félicitations, à vous et à tous vos collaborateurs, pour la réussite de vos démarches avec les groupes non-étatiques pour la lutte contre les mines antipersonnel. Votre travail est remarquable!

François Dunant, Switzerland

\*\*\*\*\*

Just to thank you once again for hosting a stimulating conference. I would like to stay in touch with those of you on the NSA working group  
Comfort Ero, Centre for Defence Studies, London

Félicitation pour le travail que vous avez réalisé avec la conférence. Si vous souhaitez diffuser de l'information, nous nous ferons un plaisir de la relayer via le centre d'Accueil.  
Sébastien Ziegler, Mandat International, Genève  
\*\*\*\*\*

This is just a note to thank you for the NSA conference. I learned a great deal. I appreciate the enormous effort the organization of this meeting must have taken. And the risks involved.  
David Atwood  
\*\*\*\*\*

Juste un petit mot pour vous féliciter et vous remercier pour votre superbe travail, votre dynamisme et votre courage. C'est dans le domaine des NSA que se situe l'avenir concret de l'éradication des mines et UXO, et l'impact réel des mesures entreprises avec le processus d'Ottawa.  
Henri Leu, Président de la Fédération Suisse de déminage  
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It has been a good experience with NSAs in recent meeting. Please keep up this very important undertaking.  
Phil ya Nangoloh  
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Our institute presents its compliments to the Swiss campaign to ban landmines and with reference to the invitation forwarded to our institute has the honour to register its deepest and warmest appreciation to the organizers and sponsors of the esteemed pioneering conference on engaging non-state actors in a landmine ban.  
The purpose of this message is to confirm the consolidation of the institutional links thus developed between the institute of diplomacy and the Swiss campaign to ban landmines.  
Moustafa El Said Hassouna, Nairobi, University  
\*\*\*\*\*

I would like to thank you once again for inviting me to “engaging Non-State actors in a landmine ban – a pioneering conference...” Organisations like ICBL, Swiss CBL, etc. have to carry on their work at various levels – political, judiciary, legislative and socio-economic levels. The aim of banning landmines seems to be far from a reality at this stage. Last but not least I would like to congratulate for successful organization of the conference and in mobilising a number of organizations worldwide working on this issue.  
P.R. Satapati, Switzerland  
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« Congratulaciones por la conferencia »  
Victor G Ricardo, Colombian High Commissioner for Peace, Government co-Observer,  
\*\*\*\*\*

“Congratulations for the Geneva conference.”  
Jan Egeland" (former Deputy Foreign Minister of Norway, one of the main organisers of the Mine Ban Treaty Preparatory Conference Oslo 1997)

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Two comments made at the end of the conference

I think that was a remarkable conference and I think it was probably very difficult to organise. I found it quite moving to meet and to listen to activists from the field and to representatives of these non-state, non-NATO, non-mafia, non-corporate and non UN, non everything else actors who may or may not use landmines. But at least I think we're realising that they are a bad thing. The conference reminds me of the early days of the campaign. Slightly chaotic, creative disagreement but full of a moral purpose. I think it's important as Jody and Suzan both reminded us over the course of the last 2 days, that underneath these complications there is a very simple issue, and that is why the campaign works, and this is a consistent moral purpose, which I think continues into perhaps this new face of the campaign. I'm very happy to be here and I thank the organisers for organising it.

John Ryle, OSI

\*\*\*\*\*

This conference is significant in the fact that many of the NSAs for the first time in history has found themselves almost together, and this is quite unique in a way that yesterday, as I was sitting their, to my right and to my left, you will find that 2 NSAs from one country. This one is a Marxist, the other one was Islamic, and I was in the middle and I found that it was so great that they are existing in the same room under the same roof. I believe that the message that goes beyond all whatever happened or whatever being said, is the fact that human being has the capacity of reaching the other one, given the atmosphere of fairness, if you give time to listen to the other, dialog itself starts. I take this opportunity to address my colleagues and the NSAs that I believe that we have come around one the real problems that are facing humanity as such, the mines that brought us all here. We came not knowing whom else we are going to meet from the other side. How does he think? What are his plans? What is going to be the next step he is going to take in the field? All these things have come. But we are going back with one thing, we have shared our experiences, which are great, we are now also for the first time sitting together and asking the International community to come in and to assist in telling the states that landmines, that they rectify agreements and don't implement them. We also come to the same position, then without rectifying the agreements, please let the NSAs proceed. We have a very modest example we've started with to demine where the war is going on. If the distance is big, minimize human suffering by demining the areas to give room for the people in whose name you are moving in different ways.

So, I feel that it has been a very great achievement. Those who spent day and night organising this conference, the Geneva Call, they have our appreciation and we take this opportunity to say that the movement, SPLA, is ready at any moment to share opinion and to share any experience with anybody, be it a Muslim movement, be the Christian movement, be a Communist movement, I think that part of fear of reaching the other in us has been broken and we are going to keep it. Thank you very much.

Edward Abyei Lino, Sudan

Engaging Non-State Actors in a  
**Landmine Ban**  
**A PIONEERING CONFERENCE**

**Geneva, 24th and 25th March 2000**

This conference could be held thanks to the generous support given by:

- the Canadian government
- the Norwegian government
- the Swiss government
- the Open Society Institute
- l'Agence Intergouvernementale de la Francophonie
- the State of Geneva
- the International Campaign to ban landmines

We here thank all of them wholeheartedly.

We are also most grateful to International Alert in London and to Ploughshares Fund in San-Francisco who contributed to the success of this conference too.

