

Ottawa Convention
Standing Committee on the General Status and Operation of the Convention
7st February 2003

Article 1(c)

The legality of joint military operations that involve both States Parties and non-States Parties that use anti-personnel mines has been questioned on the basis of Article 1 Paragraph 1(c).

Article 1 Paragraph 1(c) states that a State Party may “never under any circumstances” “assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party.”

The position of Brazil is well-known.

We did not intend to reiterate it. But we have to. The time requires.

Brazil is of the view that Article 1 of the Convention clearly bans joint operations with non-States Parties that may involve the use of anti-personnel mines.

Even if the States Parties involved in such operations do not participate directly and actively in the laying of anti-personnel mines, the operations should be considered illegal if the use of landmines by a non-State Party is of direct military benefit to those States Parties.

In the absence of such a broad interpretation of the term “assist”, Article 1 would contain a serious and unfortunate loophole.

Though Brazil is not part of a military alliance and belongs to a region that has known no significant armed conflicts for more than a century, we acknowledge the crucial importance of the issue.

Article 1 sets also forth a broad obligation against the transiting of anti-personnel mines in the territory of a State Party and the stockpiling of mines belonging to a non-State Party..

For the integrity of the Convention, Brazil urges all States Parties to commit strictly to observe the provisions of Article 1.