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ABSTRACT

The landmines are a subject of world-wide concern since the 1990's when the international community undertook a campaign for their ban. The prohibition came with the Ottawa Convention, signed by two-thirds of the UN Members. However today, more than ten years after that declaration, many States, including Colombia, face the threat of landmines. As international cooperation is one of the instruments contained in the Convention, this article reviews the cooperation policies implemented by Canada as one of the nations committed in the search for a solution to Colombian landmine problem.

KEYWORDS

Anti-personnel mines, Ottawa Convention, International Cooperation, Canada, Colombia.

1. INTRODUCTION

Anti-personnel landmines are a scourge that the world has suffered since the days of WWII, when armies began to use them for defensive purposes. Today, they remain buried in the land of many countries at the risk of exploding and maiming lives.

The idea of a safer world, free from antipersonnel landmines matured among some States, which mindful of their responsibility, decided to continue the struggle against landmines. According to McQuaig (2007) countries such as Canada, Belgium, Denmark and Mexico are among those few who decided to make their bet for having a safer world: a world free of antipersonnel mines. The summit of this venture was finally reached with the Ottawa Convention, where two-thirds of the UN member States firmly committed themselves to the land-mine ban. It was Canada who first led this process, managing countless disputes and difficulties and even facing the skepticism of the great economic and military powers in the world.

However, despite the agreements and the good initiatives, the problem lasted and even persists today in many countries of Africa, the Middle East, and South America. This unfortunate phenomenon now appears as a result of the actions of illegal groups, which are using anti-personnel mines in their fight against national governments. That is precisely the problem that thousands of innocent Colombians face every day.

This article describes the contents of the Ottawa Convention; and in order to understand the legal framework of the ban it also observes the negotiation process of such a convention, analyzing the challenges it faced and the opposition with which, Canada as a leader, had to contend. Then the article pursues the main objective of describing Colombian landmine situation, as well as the role of Canadian cooperation as a means to achieve a country free of landmines.

1.1 The Ottawa Convention negotiation process: walking towards an agreement through a mined road

In the world on weaponry, a land mine is a bargain. The device can be bought for as little as USD \$ 3 and simply as laying a large number of these devices in the fields and roadsides, where an army can quickly turn a huge area into a danger zone, where anyone who happens to stumble on this land – a soldier, a farmer or a child playing in a field - can be instantly killed or maimed for life (McQuaig, 2007).

The United Nations claims that over 100 million land mines are currently deployed in some seventy countries around the world, killing or injuring an estimated 26,000

innocent civilians each year. This is more than the annual toll from conventional “terrorism”, indeed more than the total toll from all nuclear and chemical weapons over the last 55 years. (UNESCO, 2000)

In 1980, a UN protocol was established to regulate the use of landmines and prevent harm to civilians, but it had no policing mechanism and, therefore, virtually no impact. It was not until a few activist groups became involved in the early 1990’s that the issue began to attract any serious attention. In 1991, Human Rights Watch and the Vietnam Veterans of America Foundation played a fundamental role organizing a campaign to ban land mines, by calling for an unconditional ban on the manufacture, sale or use of land mines.

The sovereign States, those who planted the landmines on their defense, were not those who initiated the ban. This discussion arose among the victims themselves. It was in fact the Non-Governmental Organizations (NGOs) on behalf of the victims which had that initial impetus, that small spark to propose a debate on land-mines, gathering all the necessary attention towards this matter of global concern.

Non-Governmental Organizations such as Human Rights Watch and the Vietnam Veterans of America Foundation formally launched an international campaign to ban landmines, managing to generate a fair amount of support and media attention. The campaign’s momentum got a huge boost in September 1994 when U.S. president Bill Clinton, addressing the UN General Assembly, pledged to fight for a worldwide ban on the use of land mines. Nevertheless (McQuaig, 2007) Clinton watered down his support when a top-level U.S. military review came out strongly against a worldwide ban in 1996.

The UN Conference on Disarmament was also facing opposition. Attempts to strengthen the 1980 protocol against land mines at the conference in Vienna in May 1996 produced few results as strong opposition was coming from countries like India and China. On that context, none of the five permanent members of the Security Council (U.S., Britain, France, Russia, and China) was willing to support a total ban. However, the international campaign of the NGOs and a small group of countries that had developed a commitment to the issue continued, and Canada was one of those middle-power countries committed to the issue. As the early 1994 Canadian Foreign Affairs Minister André Ouellette showed an interest, with the idea of getting around the impasse in the UN negotiations by developing a separate track of negotiations.

By May 1996, the prospects for a land-mine treaty seemed far from reality in the aftermath of the failed UN conference in Vienna. As that happened Canada immediately announced that it would host an alternative conference to keep discussing the matter. Canada’s strategy was to develop a solid core group of countries that

were committed to developing a ban and put them together in the same negotiation room with the NGOs that were leading the initiative.

Fifty countries attended the Ottawa conference as full participants, with another twenty-four coming as observers. The full participants and the NGOs, all participating together, had little trouble agreeing on the need for a global ban on land mines. Nevertheless, the U.S, France and Britain insisted that the proper place for negotiating a treaty on land mines was still the UN's Conference on Disarmament, in Geneva, and dismissed the Ottawa process. Still a group of countries committed to the Ottawa Process as Austria, Belgium, Canada, Denmark, Ireland, Mexico, Norway, and Switzerland, resisted, giving the international campaign a huge break.

Things changed by May 1997, when Britain's new government wanted to move faster towards a landmine ban and said it would join the Ottawa Process. France's new socialist government announced that it would come on board as well. By June, seventy-three nations had signed up for the Ottawa Process. The signing ceremony took place in Ottawa in early December 1997, where two thirds of the world's countries signed on within two days of the ceremony. The treaty was ratified the following September and became effective in March 1999.

The NGOs international campaign was a determinant for the success, but Canada's role was significant. It was Canada's determination to set its own course and its creative solution to the political impasse that had ultimately drawn this treaty to reality. Canada succeeded in enabling a citizen-based grassroots movement to overcome the opposition of the five great powers that run UN Security Council. From McQuaig perspective, The Ottawa Convention demonstrated the successful use of soft power of Canada as Ministry Axworthy at the December 1997, Ottawa Convention Signing Ceremony, stated:

"No one was threatened with bombing, no economic sanctions were imposed, not diplomatic muscles were flexed by the treaty's proponents".²

2. INTERNATIONAL LEGAL FRAMEWORK

The main guidelines and agreements in the framework of the Ottawa Convention are highlighted below, with the aim of understanding the legal framework that States set for the fight against landmines.

According to the preamble, the pact was defined by the goal of putting an end to the suffering and casualties caused by anti-personnel mines that kill or maim hundreds of people every week, obstruct economic development and

reconstruction, and inhibit the repatriation of refugees and internally displaced person; and was establish with the intention of defining the means for providing assistance for care and rehabilitation, including the social and economic reintegration of mine victims.

The most important agreements and compromises under the convention are listed below:

The convention defined in Article 1 “Each State Party undertakes never under any circumstances: a) To use anti-personnel mines; b) To develop, produce, otherwise acquire, stockpile, retain or transfer to anyone, directly or indirectly, anti-personnel mines; c) To assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Convention.”²

In Article 4, the Convention made particular emphasis on the destruction of stockpiled anti-personnel mines.. “Each State Party undertakes to destroy or ensure the destruction of all stockpiled anti-personnel mines it owns or possesses, or that are under its jurisdiction or control, as soon as possible but not later than four years after the entry into force of this Convention for that State Party.”³

A vital element when fighting against landmines is international cooperation because in many cases the countries do not have the economic resources or the necessary knowledge for a safe and effective cleanup of minefields.

Article 6 of the Convention then sets the conditions for international cooperation. “In fulfilling its obligations under this Convention a) Each State Party has the right to seek and receive assistance, where feasible, from other States Parties to the extent possible; b) Each State Party undertakes to facilitate and shall have the right to participate in the fullest possible exchange of equipment, material and scientific and technological information concerning the implementation of this Convention. c) Each State Party in a position to do so shall provide assistance for the care and rehabilitation, and social and economic reintegration, of mine victims and for mine awareness programs; d) Each State

1. Ministry Lloyd Axworthy at the December 1997, Ottawa Convention Signing Ceremony

2. Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, Article 1

3. Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, Article 4

Party in a position to do so shall provide assistance for mine clearance and related activities; e) Each State Party in a position to do so shall provide assistance for the destruction of stockpiled anti-personnel mines”.⁴

Finally, the adoption of the convention by each State within the framework of its legal system also influences the extent to which it is implemented and fulfilled. Article 9, defines the national implementation measures by underlying “Each State Party shall take all appropriate legal, administrative and other measures, including the imposition of penal sanctions, to prevent and suppress any activity prohibited to a State Party under this Convention undertaken by persons on their territory or under its jurisdiction of control”.

3. NATIONAL SCENARIO: WHAT IS GOING ON IN COLOMBIA?

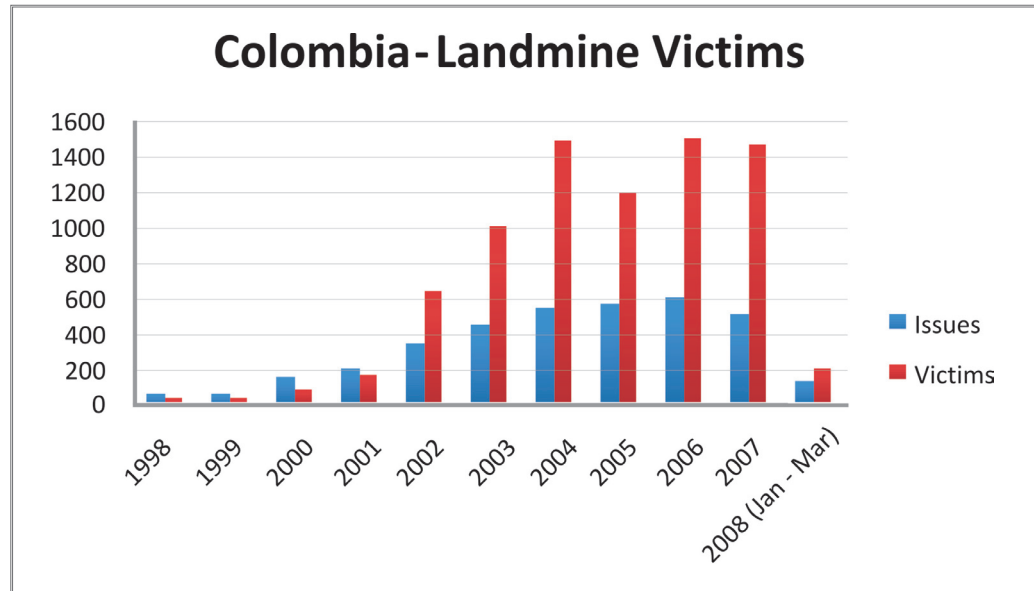
The problem of anti-personnel mines in Colombia has increased significantly over the past eight years as a result of the escalation of the internal armed conflict. According to UN High Commissioner for Refugees (UNHCR, 2007) the armed groups outside the law indiscriminately used landmines to protect their interest (strategic corridors for arms, illegal drug trafficking, and illicit crops) to prevent their elimination. Thus, the proliferation of landmines throughout the country has had a negative impact on the entire Colombian population, especially in rural areas of the country

The figures presented by the National Observatory on anti-personnel mines describe the situation. In the period between 1990 and December 31, 2006, 10,163 events involving antipersonnel mines took place in rural and urban areas of the country, which yielded a total of 5,669 victims. According to the information system of the Landmine Monitor, since 2004 an average of three victims are daily reported, and even more worrying is the fact that the number of victims reported annually in the country has been growing, as opposed to the world trend. The evolution of the number of victims is described in table (table 1).

The Colombian Vice-presidency figures show that in 2007, a total of 866 persons were killed or maimed by the land-mines, which makes Colombia the country with the greatest number of victims.

4. Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, Article 6

Table 1: Anti-personnel landmines victims in Colombia (1990-2007)



Reference: UN Office at Geneva, Informe Colombia 2008, Programa Presidencial para la acción integral contra las minas antipersonal

From the UN Development Program (UNDP) analysis by ratifying the Ottawa Convention in 2001, Colombia committed to comply with the agreement on landmine elimination and, therefore, made a national policy embodied in the Action Plan against Mines, which guides national efforts to combat this menace.

3.1 What are the consequences to the civilian community?

From the United Nations Children’s fund (UNICEF) point of view, the presence of these explosive devices generates distrust in the population and is challenging communities’ access to water sources, schools, and hospitals, among other public goods. This situation, in addition to creating a humanitarian emergency for the affected communities, impedes development of the national economy and restricts the exercise of fundamental rights such as life, liberty, and security.

Organizations such as Human Rights Watch (HRW, 2007) denounce that at the collective level communities lose confidence in their territories, and there remain only two choices: live with this flee or leave everything. The social and economic impact of landmines in the Colombian population is very high, thus causing changes in the family structure of the victims. The majority of those affected by landmines are men in their productive age who are left unemployed and no longer able to provide for their families. It thus reduces the income of families and increases their levels of poverty.

3.2 Strategies: what has Colombia done so far?

According to the Colombian government (Colombian Ministry of Foreign Affairs, 2007) in the 2005 conference in Kenya which was aimed for the evaluation of the results of the Ottawa Convention, adduced that Colombia ordered a comprehensive legal framework for the adoption of the Ottawa Convention commitments. Its implementation in the national legal system is contained by Law 54 of January 14, 2000 which ratified the treaty, as well Act 759 of 2002 that dictates the rules to comply with the Convention and sets rules with the aim of eradicating by Colombian military forces.

Additional data presented by the National Observatory on Antipersonnel Mines, demonstrates that over the past year Colombia has increased its installed capacity for humanitarian de-mining by 300%. Additional to the platoon established in 2005, three new platoons are being trained with techniques for humanitarian de-mining.

Just as in the international arena, NGOs play a very important role in Colombia with respect to the victims of landmines. The NGOs have been consolidated into a bridge between government programs for reparations to victims. The NGOs became a means to channel resources, not only from the public sector but also the private sector.

Other national NGOs such as Fundación Mi Sangre led by internationally renowned singer Juanes, is one of the leading NGOs in the fight against landmines in Colombia, advancing major projects with the affected communities and victims with disabilities.

These figures and situations show that, if nothing is done, the effects of landmines could cause a humanitarian crisis, which must be avoided in any circumstance and that requires international cooperation. The issue is then referred to the commitments for international cooperation defined by the article 6 of the Ottawa Convention which Colombia and many other countries signed.

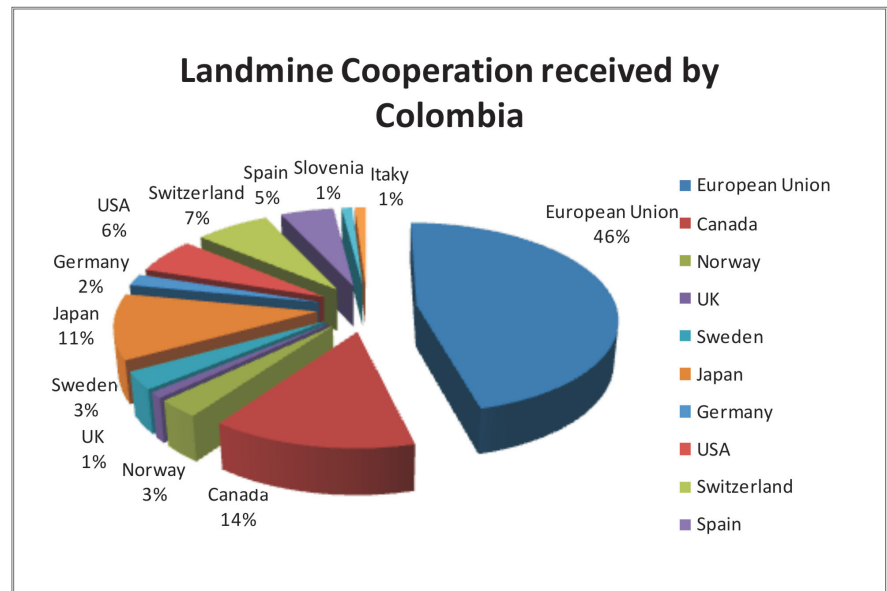
4. INTERNATIONAL COOPERATION AND ASSISTANCE

Several international agencies and foreign governments are providing assistance to Colombia in topics related to anti-personnel mines. Regarding the assistance to victims, the International Committee of the Red Cross and the Colombian Red Cross, as well as several other organizations such as The United Nations Children's Fund (UNICEF), the International Organization for Migration (Landmine Monitor) and the United Nations Program for Development (UNDP) have an active presence in Colombia.

For more than a decade, the Organization of American States (OAS) has coordinated a comprehensive international program to remove landmines. In Colombia, the OAS began to support programs against anti-personnel mines in 2003, initially in public education, rehabilitation of victims, and the development of a database. The program has also trained Colombian army to strengthen national capacities in the field of humanitarian de-mining. (OAS, 2006)

From the data provided by International Campaign to Ban Landmines (Landmine Monitor, 2006), it is possible to see that some institutions such as the European Union recently pledged to grant € 2.5 billion, to be carried out before 2009, to be focus on education in the risk of anti-personnel mines, and assistance programs to victims Japan has provided assistance in establishing medical facilities with a capacity to treat survivors of landmines. Other countries have offered assistance to the Colombian government and to NGOs based in Colombia. Those countries (as described in table 2) include Canada, the Netherlands, Germany, Norway, Spain, Switzerland, and the United States.

Table 2: International Contribution to Colombia to fight landmines (2003-2006)



Reference: Landmine Monitor Colombia 2003, 2004, 2005, 2006

However, despite the importance of cooperation and assistance programs, the issue comes into discussion that although Colombia is the country with most victims due the land-mines, only 3% of the resources of international cooperation to the issue of mines are intended to Colombia (National observatory on antipersonnel mines). However, as long as it helps to save lives, it is more than worth it.

4.1 The role of Canada: cooperating with Colombia towards a lasting peace

Given the importance that Canada has had as the leader of the Ottawa Convention and its initiatives to limit the use of landmines, it is important to deeply understand the cooperation it has with respect to land-mines in Colombia.

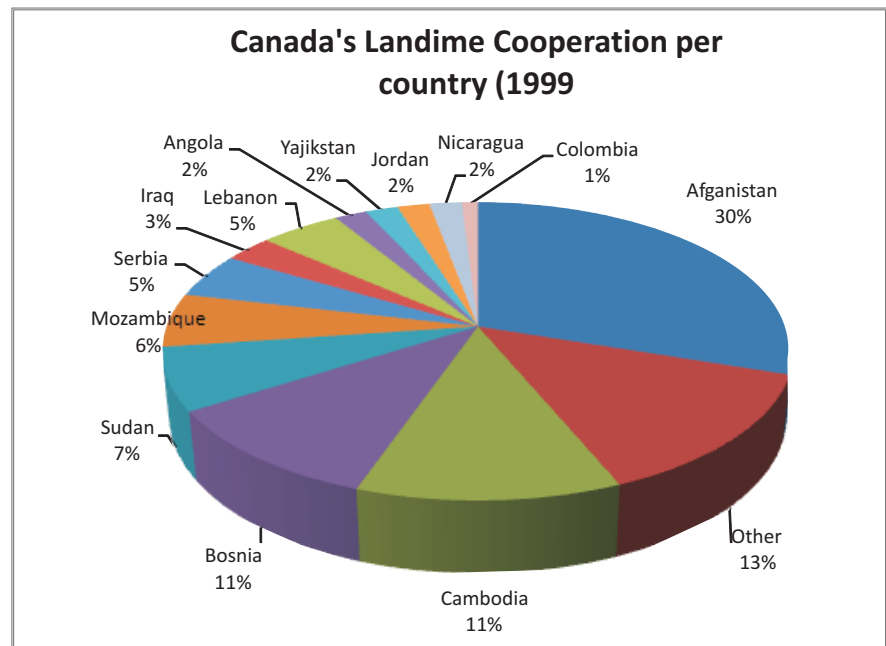
The Canadian Department of Foreign Affairs and International Trade stands that in addition to its support for peace efforts, Canada has a long-standing, strong, and deepening relationship with Colombia. The two countries are strengthening their economic and trade relationship.

The Colombian Presidential Agency for Social Action and International Cooperation (Acción Social, 2007) stands that the international cooperative relationship between Colombia and Canada, began with the General Convention on Technical Cooperation between the Government of Canada and the Government of Colombia, signed on November 17, 1972, which provides various forms of international cooperation including: 1. Bilateral Cooperation; 2. Multilateral Cooperation; 3. Cooperative partnerships with NGOs, private sector and institutional sector.

According of the Canadian Department of Foreign Affairs and International Trade (DFAIT) one of the pioneering initiatives to eradicate antipersonnel landmines was the Stabilization and Reconstruction Task Force (START) which provides a coordinated, whole-of-government approach to respond to countries in or at risk of crisis; plans and delivers coherent effective conflict prevention, crisis response and post-conflict peacebuilding in states in transition; and manages the Global Peace and Security Fund (GPSF), a \$142 million fund (fiscal year 2006-2007) to develop and deliver peace and security initiatives.

According to CIDA's information, in Colombia, START began its engagement at a critical moment in 2005 with an initial \$1 million contribution to the OAS Mission to Support the Peace Process in Colombia-Misión de Apoyo al Proceso de Paz en Colombia- (MAPP-OEA) to support the mission's verification of the demobilization of paramilitaries. Since then, Canada has supported government and non-governmental initiatives to a total of \$3.6 million.

Table 3: Canada's Contributions to the World: Ottawa Convention Commitment



Reference: UNMAS, Mine actions investments, Canada-donor annual report 2007

START orients Canada's support the Colombia's peace process along four areas of engagement:

- Promotion and protection of victim's rights and needs;
- Land-mines elimination; and victims assistance;
- Contribution to peacebuilding

Another important actor in the cooperative relation between Canada and Colombia is the Canadian International Development Agency (CIDA) which defines the guidelines of the current strategy for cooperation with Colombia in Canada. Its current focus it is based on governance by supporting Colombia's efforts to build peace and improve security.

The program has three objectives:

- Help Colombians to meet their basic human needs and help protect the rights of persons affected by armed conflict;
- Support equitable participation in the creation of mechanisms to promote peace;
- Enhance the ability of Colombians to address the root causes of violence.

Current projects of cooperation between Colombia and Canada through CIDA-ACDI are primarily focused on themes:⁵

- Defense of the Human Rights, especially protection of children and youth;

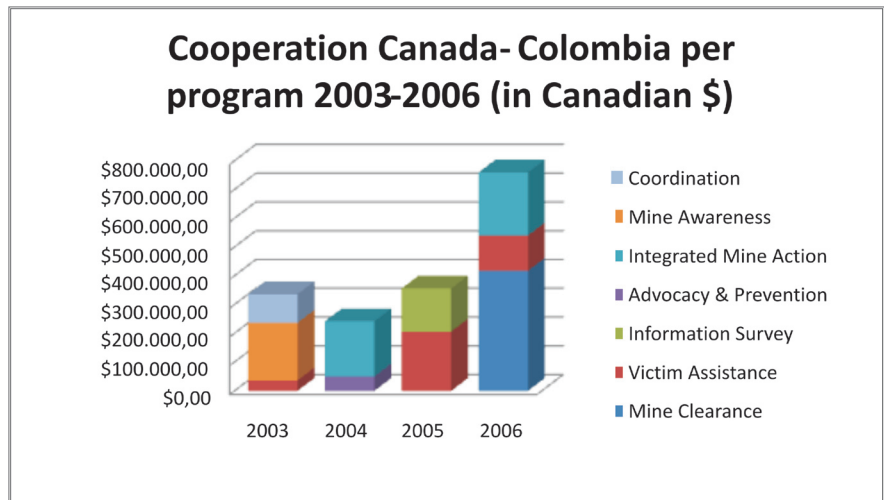
5. For further Information regarding Canadian International Development Agency (CIDA) projects in Colombia please check the CIDA's website for Colombia: <http://www.acdi-cida.gc.ca/colombia>

- Reintegration of displaced persons;
- Education for children affected by war;
- Training for teenagers in conflict resolution;
- Elimination of the landmines risk.

In addition, in the period 2006-2007 the Canadian International Development Agency (CIDA) provided CAD\$ 14.3 million in official development assistance for Colombia. Almost CAD\$ 8 million went through the program of bilateral cooperation, and support several programs developed by Canadian ONGs such as Handicap International and Multilateral entities such as UNICEF, which obtained additional CIDA's funds (CAD\$ 1,16 millions) for the development of their programs regarding the accompany to victims, helping them to obtain economic reparation, reintegration into the community, psychosocial support, among other legal benefits provided by the Colombian government.

Table 4 provides further details of the destination of those resources. Detailing the projects that were undertaken during the period from 2003 to 2006. As shown there, most of the funds have been use of mining clearance activities. The second item in terms of international cooperation funds is victims' assistance.

Table 4: Programs supported with Canadian Cooperation resources-landmine programs- in Colombia.



Reference: UNMAS, Mine actions investments, Canada-donor annual report 2007

According to the Canadian Consortium of human security, current projects focus mainly on human rights advocacy, especially protection of children and youth; reintegration of displaced people; education of war-affected children; training for adolescents in resolving conflict; mine risk education; community environmental projects; greater access to the justice system; and gender equality.

All these efforts were put together, and set a base for international commitment (as a mean of co-responsibility) as from January to July 2007; Canada chaired the G-24,

a group bringing together the international community in support of a lasting and durable peace in Colombia. These programs conducted by Canada in Colombia, go far beyond the issue of anti-personnel mines, placing this friendly partner-country as a sensitive and committed actor in the search for peace in Colombia.

5. CONCLUSIONS

- The issue of the antipersonnel mines has world-wide dimensions today given the amount of victims that these devices affect around the world. Nevertheless, the initiative for its prohibition had to face many challenges given the amount of political and economic interests related to them.
- It was a coalition of countries as well as the NGOs that managed to leverage a project to show the world the urgency of a fast and forceful action against the antipersonnel mines. This initiative obtained its expression by the means of the Ottawa Convention, through the successful use of soft power of Canada because, "No one was threatened with bombing, no economic sanctions were imposed, no diplomatic muscles were flexed by treaty proponents."
- In spite of the agreement in the Ottawa Convention, today, ten years after its subscription many countries still undergo the flagellum of the antipersonnel mines, some because their governments have refused to ratify the Convention and in other cases by the sprouting of non-state actors who have continued manufacturing and using of this type of devices.
- With more than 5000 victims over the last twenty years, Colombia occupies the dishonorable position of the country with most antipersonnel mines incidents. Those affect as much the military as civilians, even children in rural areas and generating major social problems, including the fear that the potential presence of these devices generates in the population.
- International cooperation is the main tool to help to countries in the fight against the proliferation of antipersonnel mine, their elimination, and protection to for civil community and the attendance to the victims. However only 3% of the funds for the fight against the antipersonnel mines have been destined to Colombia. Some important projects lead by the governments of the European Union, Canada, Japan and, the United States are taking place.
- Canadian cooperation policies operate within the framework of the Stabilization and Reconstruction Task Force (START) and the International Development Agency (CIDA) that currently are executing integral programs in Colombia, in subjects related to human security (one of the pillars of the Canadian foreign policy) including the fight against the antipersonnel mines and the assistance to the victims.

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