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Introduction

During recent decades, the international community has made significant efforts to limit the use of weapons that continue to cause harm long after the end of armed conflicts. Among these, anti-personnel landmines stand out as one of the most persistent and devastating threats. The adoption of the Anti-Personnel Mine Ban Convention (APMBC), also known as the Ottawa Treaty, in 1997, marked a historical turning point in international humanitarian law, by banning the use, production, stockpiling and transfer of anti-personnel mines (Longworth, 2025). The treaty established not only a robust legal framework, but also a powerful moral stance: to shield civilians from weapons that indiscriminately maim and kill, often years after hostilities have ceased (ICRC, 2025).

More than two decades later, the Ottawa Treaty remains one of the most widely endorsed disarmament agreements. Yet, today it faces unprecedented challenges. As geopolitical tensions rise and defence postures harden, particularly in Eastern Europe and among NATO allies, some states are questioning their continued commitment to international humanitarian obligations (Amnesty International, 2025).

A growing number of governments now cite national security concerns as justification for reconsidering their adherence to treaties like the APMBC. These developments raise fundamental questions about the limits of lawful withdrawal, the durability of humanitarian norms and the risks of unravelling long-standing legal commitments under the pressure of short-term military strategies. This paper explores these questions through legal lens, arguing that withdrawal from the Ottawa Treaty on national security grounds lacks sufficient legal justification and undermines the core principles of international humanitarian law.

1. The Legal Framework: Anti-Personnel Mine Ban Convention

The Anti-Personnel Mine Ban Convention (APMBC), also known as the Ottawa Treaty, was adopted on September 18, 1997, and became binding international law on March 1, 1999. It marked a turning point in the global effort to eliminate anti-personnel landmines, devices that, for decades, had caused untold human suffering (Neufeld, 2005). The treaty bans the use, stockpiling, production and transfer of these mines, while also requiring States Parties to destroy their stockpiles, clear contaminated areas , and assist victims (Neufeld, 2005). The human toll of landmines, particularly on civilians, long after conflicts have ended, created a groundswell of international support for a complete ban (Neufeld, 2005).

Despite their humanitarian consequences, anti-personnel mines were long considered a legitimate military tool. Their widespread use in the Second World War is well documented,

but legal efforts to regulate them lagged behind. The 1949 Geneva Conventions, a cornerstone of international humanitarian law, did touch on the issue, but only in passing. They focused on mine clearance, specifically prohibiting the use of prisoners of war for that purpose (Casey-Maslen, 2010). It was not until the Ottawa Treaty that a comprehensive international framework emerged to deal with the full scope of harm caused by landmines.

Since its entry into force, the Ottawa Treaty has become one of the most widely adopted disarmament treaties in the world. As of 2024, 165 countries are party to it, a clear testament to its normative power (APBMC, 2024). But, despite this broad support, the treaty now faces serious challenges. As security threats evolve and geopolitical tensions intensify, some governments are questioning their long-standing humanitarian commitments. Increasingly, national security is being invoked to justify potential withdrawals from treaties like the APMBC. This shift raises serious legal and ethical questions: can national security concerns ever justify backing out of such commitments? And even if they could, what would that mean for the broader system of international humanitarian law? The answer is far from simple. Withdrawing from the Ottawa Treaty on the grounds of national security undermines the very principles that international humanitarian law was meant to protect. It opens the door to dangerous precedents, where commitments made to protect civilians can be cast aside once they turn politically inconvenient. That kind of logic risks eroding the fabric of global humanitarian norms, weakening not just this treaty, but the entire legal framework designed to protect people in conflict zones. Under existing legal standards, the justification for such a withdrawal does not hold up.

Recent events in Eastern Europe, the Baltics and Nordic countries have brought this issue into sharper focus. As tensions along their borders have increased, many of these states have begun rethinking their defence strategies. Defence budgets are rising across the board, and the European Commission has thrown its support behind rebuilding the EU's defence industrial base (Watts, 2025). These moves are part of a larger effort to improve readiness and autonomy in the face of growing uncertainty. The most visible sign of this strategic shift came when Finland and Sweden, both historically neutral, joined NATO in 2023 and 2024. Such a shift would have been unthinkable just a few years ago (Watts, 2025). But these defence recalibrations have also led to a broader reassessment of legal obligations under the laws of war.

In 2024, Lithuania took the step of voting to withdraw from the 2008 Convention on Cluster Munitions (CCM). The treaty bans its members from using, producing or transferring cluster munitions, explosive weapons that scatter bomblets over a wide area and often fail to detonate on impact. Lithuania was one of only two NATO countries bordering Russia that had ratified the CCM, the other being Norway. Citing national defence needs, Lithuanian

officials argued that leaving the treaty would help improve deterrence, address interoperability issues with allies who still use these weapons and bolster the country's overall defence posture (Watts, 2025).

The international response was swift and critical. Amnesty International called the move "disastrous", while Human Rights Watch described it as "ill-considered" and a blow to Lithuania's reputation. The International Committee of the Red Cross (ICRC) said the withdrawal was "unprecedented" and issued a strong warning: any step away from the laws of war "tears at the fabric" of international humanitarian law (Watts, 2025). What happened in Lithuania is a wake-up call. If countries begin using national security as a blanket excuse to opt out of humanitarian commitments, the entire structure of international law becomes vulnerable. Today it could be cluster munitions, tomorrow, perhaps, landmines. The Ottawa Treaty, in particular, is not just a legal document: it represents a collective moral commitment to protect civilians from weapons that maim and kill long after fighting stops. If that commitment is weakened, it risks rolling back decades of hard-won progress.

Of course, national security is a serious concern, and governments have a duty to protect their citizens. But that duty should not come at the cost of universal humanitarian norms. The idea that States can abandon their treaty obligations whenever they feel threatened undermines both the spirit and the letter of international law. In the case of the Ottawa Treaty, no national security rationale has yet been presented that outweighs the humanitarian harm these weapons cause, or the destabilizing precedent a withdrawal would set. In closing, the current geopolitical environment may be volatile, but that makes adherence to international law even more important. The Ottawa Treaty has saved countless lives and prevented immense suffering. Allowing states to walk away from it in the name of national defence would not only endanger civilians, but also weaken the entire system of humanitarian protection. It is in moments of crisis, not calm, that our commitment to these principles is truly tested and must be upheld.

2. Legal Analysis: Withdrawal and Derogation in International Humanitarian Law (IHL)

The Ottawa Treaty permits withdrawal under Article 20, which allows states to exit the treaty if extraordinary events jeopardise their supreme national interests (ICRC, 1997). However, the legal standard for what constitutes such an event remains ambiguous, and withdrawal must still respect broader norms of international law, including the Martens Clause, which underscores that even in cases not covered by treaties, civilians and combatants remain protected under principles of humanity and public conscience (Greenwood, 1998). Anti-personnel mines are defined under the Convention as "a mine designed to be exploded by

the presence, proximity or contact of a person and that will incapacitate, injure or kill one or more persons" (Longworth, 2025).

International humanitarian law (IHL) is built on the principle of non-derogation. Unlike human rights law, which allows derogation during public emergencies (e.g., under Article 4 of the ICCPR), IHL applies in all armed conflicts without exception. This distinction renders attempts to use national emergencies as grounds for abandoning humanitarian obligations legally and morally contentious (Henckaerts & Doswald-Beck, 2005).

The International Committee of the Red Cross (ICRC) has emphasised that withdrawal from treaties like the APMBC risks creating a domino effect, where legal obligations are treated as policy options rather than binding norms. A notable precedent is Lithuania's 2024 withdrawal from the Convention on Cluster Munitions, citing interoperability with NATO allies and the need for enhanced deterrence capabilities. While not yet replicated for landmines, it represents a dangerous shift toward national security exceptionalism (Watts, 2025). In December 1996, the UN General Assembly passed Resolution 51/45S, calling on all countries to conclude a new international agreement that would totally prohibit anti-personnel mines "as soon as possible", which was followed by Austria circulating a draft treaty to all governments, and by consultations taking place (UN, 1997). The final treaty text was adopted by 89 States at the Oslo Diplomatic Conference, under the title of a Total Global Ban on Anti-Personnel Mines, on 18 September 1997. It came into force on 1 March 1999. As of 18 March 2025, 165 of 193 Member States to the UN had ratified the Convention (Longworth, 2025).

But what do the announcements made by Poland, Lithuania, Latvia and Estonia mean? Are they no longer bound by the Ottawa Convention? No, the decision to leave will need to be taken in accordance with the respective countries' constitutional frameworks. In addition, Article 20(2) of the Ottawa Convention provides that State Parties withdrawing from the treaty have to give notice of such withdrawal to all other StatesParties, to the Secretary-General of the United Nations as the Depositary of the treaty and to the United Nations Security Council (Longworth, 2025). This must include a full explanation of the reasons motivating their withdrawal (Longworth, 2025).

The withdrawal takes effect six months after the receipt of the instrument of withdrawal by the Depositary. If, however, on the expiry of that six-month period, the withdrawing State Party is engaged in an armed conflict, the withdrawal shall not take effect before the end of that armed conflict (Longworth, 2025). State Parties to the Ottawa Convention are bound by the Convention and not permitted to use anti-personnel mines even where they are engaged in multinational operations with other states that are not parties to the Ottawa

Convention (Longworth, 2025).

Anti-personnel mines are regulated under specific treaties: the provisions applicable to conduct of hostilities under the Geneva Conventions of 1949 and the Additional Protocols of 1997, and customary international law. The amended CCW Protocol II on Mines, Booby-Traps and Other Devices of 1996 is applicable to mines, remotely delivered mines and anti-personnel mines (Longworth, 2025). Under Article 35(1) of the Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of International Armed Conflicts (API), the right of the parties to the conflict to choose methods or means of warfare is not unlimited (Geneva Conventions, 1949). It is further prohibited to employ weapons, projectiles and material and methods of warfare of a nature to cause superfluous injury or unnecessary suffering, or methods or means of warfare which are intended, or may be expected, to cause widespread, long-term and severe damage to the natural environment. As with all other weapons, the use of anti-personnel mines must be able to comply with the requirements of IHL (Longworth, 2025).

3. The Problem with National Security Justifications and Humanitarian Consequences

National security is, undeniably, a legitimate concern of any state, but using it to justify withdrawal from humanitarian law obligations undermines the credibility of those very obligations. The danger lies not only in the specific act of withdrawal, but in the precedent it sets, opening the door for selective adherence to treaties based on changing political climates. In April 2025, Amnesty International condemned Finland's potential move, stating that such a step would "put civilian lives at risk" and undermine decades of disarmament progress (Amnesty International, 2025). Similarly, the Lieber Institute at West Point argues that reinterpreting treaty obligations in light of short-term strategic priorities destabilizes the legal fabric built to protect civilians during war (Watts, 2025).

It is important to recognise that the Ottawa Treaty's value is not merely legal, it is normative and moral. It reflects a collective decision that certain weapons are so inherently indiscriminate and inhumane that no legitimate military advantage can justify their use. Walking away from this standard undermines decades of legal and moral progress. Withdrawal from the APMBC could lead to an increased use of landmines in modern conflicts, particularly by states on the geopolitical margins. If advanced democracies begin to opt out, that could signal to others, especially to authoritarian regimes, that compliance is conditional, rather than absolute. The humanitarian toll of such a regression would be catastrophic, with children, farmers and displaced persons once again at the forefront of harm.

Moreover, legal scholars warn that selective withdrawal contributes to the "fragmentation of humanitarian law", whereby the universality of norms gives way to strategic exceptionalism (Boothby, 2012). This not only weakens enforcement mechanisms, but also emboldens non-state actors, who often justify unlawful behaviour by pointing to perceived hypocrisy among states.

The majority of mine victims, 80% of them, are civilians (ICRC, 2025). Anti-personnel mines cannot distinguish between a soldier and a child, and their effects persist long after conflicts end. The announcement of withdrawal from the convention marks a dangerous setback for the protection of civilians in armed conflict. Citing a deteriorating security situation and military threats, these decisions come at a time of rising international tensions and armed conflicts, which have already claimed tens of thousands of lives (ICRC, 2025). It is important to remember, as stated by the UN rights chief, that adhering to bans on mines only in peace time will not work to maintain peace, stability and security (UN news, 2025).

Conclusion

In the contemporary security environment, maintaining a firm commitment to international humanitarian law is more vital than ever. National security cannot, and should not, serve as a blanket justification for walking away from binding humanitarian obligations. The legal basis for withdrawal from the Ottawa Treaty is narrow and should be interpreted restrictively. Even if a withdrawal is technically permissible, it would be politically short-sighted and morally indefensible.

The Ottawa Treaty is more than a legal instrument: it is a moral commitment to limit human suffering in armed conflict. Upholding it, even in times of insecurity, is essential to preserving the legitimacy and effectiveness of the entire humanitarian legal regime. While Article 20 of the APMBC does allow for withdrawal under exceptional circumstances, this clause was never meant to provide a political escape hatch in times of strategic discomfort. Any invocation of national security to justify withdrawal must meet a high threshold of legitimacy and necessity.

The humanitarian consequences of such actions are not abstract: they manifest in the shattered limbs of children, the devastated lives of farmers and the enduring contamination of land long after peace has been declared. Moreover, the precedent set by states walking away from humanitarian commitments is deeply troubling. It signals that legal obligations may be subject to geopolitical whim rather than universal principles. If liberal democracies start to abandon disarmament treaties under the banner of security, they risk legitimising similar actions by authoritarian regimes with far less regard for civilian protection. In doing

so, they contribute to a dangerous fragmentation of the legal order, in which the universality and inviolability of humanitarian law are steadily undermined.

Upholding the Ottawa Treaty, even in the face of perceived security threats, is not a sign of weakness, but of legal and moral clarity. It is a reaffirmation that humanity must remain at the centre of law, even when fear tempts us otherwise.

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