

Subject: Draft Government Proposal to the Finnish Parliament Concerning the Withdrawal from the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines (Ottawa Convention) and Related Legislation

SaferGlobe is Finland's leading independent peace and security think tank, studying and developing tools for the promotion of lasting peace and security.

SaferGlobe welcomes the opportunity to submit a statement on the government's proposal to Parliament regarding the withdrawal from the Ottawa Convention.

SaferGlobe draws attention to the preparatory process. According to domestic and international media, the decision to withdraw from the treaty has already been taken before a proper democratic debate. It undermines Finland's security if such important security decisions are taken outside the political system.

SaferGlobe considers, based on publicly available information, that withdrawal from the Ottawa Convention will do Finland significantly more harm than good. In support of its statement, SaferGlobe raises five points.

1. The benefit for Finnish defence may be marginal, but the damage is expected to be significant

Finland is already one of the world's leading countries in using tactical barriers. The likely benefit of anti-personnel landmines to enhance these tactical barriers is likely to be limited. If, however, Russia were to invade and mine areas of Finland, Finland would urgently need support from other countries covered by the treaty for mine clearance.

Finland has been actively improving its use of tactical barriers, i.e. slowing down and controlling the enemy's advance for decades. When Finland joined the Ottawa Treaty, the capability gap left by anti-personnel mines was so well filled that it was widely believed that the armed forces' capabilities were higher after accession than before. At the same time, it has been widely believed that anti-personnel landmines are not a necessary part of the consolidation of Finland's defence, as the capability in question has otherwise been excellently patched up. Finland, for example, has in stock "hundreds of thousands of anti-tank mines and a significant number of both anti-tank directional fragmentation mines and flank mines."

The wider technological development of anti-personnel mines slowed down significantly due to the wide coverage of the Ottawa Treaty. In contrast, the development of other defence technologies has been very rapid. For example, loitering drones work similarly to anti-personnel mines, except their explosion can be controlled, significantly increasing their versatility in defence. There has also been talk in the media of Finland replacing traditional anti-personnel mines with modern anti-personnel mines, which could be electronically activated or deactivated, for example. If this is the case, these new anti-personnel mines seem very close to other legal explosives, which do not require withdrawal from the Ottawa Convention.

Since the beginning of the anti-personnel landmine debate, SaferGlobe has, through its extensive international networks of experts, sought to clarify the additional strategic defence benefits of anti-personnel landmines compared to other weapons technologies. The general assessment is that using anti-

personnel landmines could limit the enemy's advance to a limited extent. Still, for decades (at least since the 1991 Gulf War), the general perception has been that the slowing effect of anti-personnel landmines is surprisingly limited.

Anti-personnel landmines, on the other hand, are very effective if the aim is to create uninhabitable areas for the civilian population or to hold on to areas already occupied. In this use, Russia has extensively mined Ukraine. It is in Finland's defence interests, as it is in Ukraine's, that the use of Russian anti-personnel mines is illegal, even though they would be used in any case. If Finland withdraws from the agreement, it will also legitimise the use of anti-personnel mines in a war against itself. In this case, it is difficult to see that Finland's mine-laying would meet with the same widespread international disapproval as Ukraine's mine-laying has been met with. Presumably, Finland would not receive the same level of support for mine clearance. Indeed, Ukraine has remained a member of the Ottawa Convention and, as a member of the Convention, will benefit from the support of other countries in mine clearance in accordance with the Convention. The defence benefits of increased mine clearance capability are significant, as mine clearance is expensive, difficult and dangerous.

Ukraine's main lessons for Finland are that instead of withdrawing from the treaty, Finland should urgently increase its mine clearance capacity and develop the technology used for mine clearance.

2. By withdrawing from the Ottawa Treaty, Finland is at odds with its main defence partners

For decades, Finland has developed strong international defence cooperation. Finland's main defence partners, except for the USA, are members of the Ottawa Treaty. Breaking away from the treaty and thus being at odds with the most critical defence partners could lead to significant negative and difficult-to-predict consequences for Finland.

Finland's defence is based on strong international cooperation, which has been actively and extensively expanded during its membership of the Ottawa Treaty. Of particular importance to Finland is the long-established Nordic NORDEFECO cooperation. All other Nordic countries are and will remain members of the Ottawa Treaty. Norway has also clearly expressed its disappointment with the Finnish debate already. France and Germany, at the heart of European defence cooperation, are long-standing and committed members of the Ottawa Treaty. The German government has also underlined its commitment to the Ottawa Treaty with the Polish secession debate. When it joined, Finland was already lagging behind the other EU member states. NATO member states are also members of the Ottawa Treaty.

Withdrawal from the agreement will have consequences for the defence cooperation that Finland has developed over the long term, and these consequences must also be assessed when the decision is taken. In particular, Finland's separation from the other Nordic countries is a strategically strange choice and requires strong justification. These allies should not, in our view, be in any way part of the strategy for the use of mines, i.e., for example, joint military exercises should not deal with the use of mines.

The challenge in assessing the impact is that because defence cooperation is multi-level and comprehensive, it is difficult to assess the broader impact of withdrawal from the agreement. Would withdrawal from the treaty mean no mention of mines in joint exercises? Or that no exercises can be held in areas where Finland plans to lay mines? If we cannot inform or educate our closest allies about Finland's use of mines, our collective defence capabilities will suffer, and we will be increasingly alone with our mines.

A critical argument for joining NATO was that Finland is an equal part of an international alliance where we follow the same rules as everyone else. Playing by the same rules simplifies defence cooperation. Understanding why the same argument does not apply to remaining in the Ottawa Treaty would be vital.

3. Anti-personnel landmines can be used to enhance threats

The role of anti-personnel landmines has long been questioned because they are ill-adapted to rapid warfare and the quick turnarounds associated with it. The threat of landmines is the main capability of anti-personnel mines, and other technologies cannot compensate for it. This threat slows down the enemy's advance when it is necessary to ensure that there are no mines on roads or other areas. The basic premise of using mine threat in defence is that enemy forces will try to avoid unnecessary deaths. Avoiding unnecessary deaths, on the other hand, is not central to the Russian war doctrine, so the threat effect on Russia is questionable.

The creation of minefields creates new opportunities for Russians to use Finland's defence mechanisms against Finland. Directing so-called instrumental migration to minefields would create extremely difficult situations for Finland, where our borders could become death fields. Much has been said about reducing the damage caused by mines, for example, by fencing off mined areas. These fences can also be dismantled by the enemy and used as a means of demining.

Mine threat may slow down Finnish military action and may also affect the willingness and ability of our partners to support Finland if necessary. Our allies also must protect their soldiers from unnecessary deaths, and it is very predictable that, for example, the unnecessary death of a Norwegian soldier in a Finnish minefield would not support joint Nordic defence cooperation.

4. Withdrawal from the agreement has wide-ranging potential negative impacts on comprehensive security and the economy

Given the broad impact of the agreement, it would also be essential to understand the broad potential social impacts clearly. This kind of broad analysis of the social impact has not been provided. In particular, SaferGlobe would like to note the impact of withdrawal from the agreement on comprehensive security, particularly border security, and its possible negative economic impact on the defence sector.

The publicly available material provided by the Finnish government does not consider the broader security implications, such as border security. Finland aims to keep the whole of Finland populated, which also supports border security. The role of the civilian population in border areas is therefore essential. Creating minefields is clearly contradictory to the basic idea of keeping Finland fully populated.

Mining border areas also sends a clear message to residents and industry about the area's viability and how much it will be defended in an attack. The use of mines can thus create inequality between different areas, hamper local industries and make Finland's efforts to keep the whole country inhabited more difficult. Finland has regions with firsthand and painful experience of anti-personnel mines. It would be imperative to take their experiences into account. The clearance of Lapland resulted in the loss of 200 lives.

Withdrawal from the Ottawa Treaty would reduce the ability of Finnish producers to compete in international defence markets when defence capacity is being increased. Article 1c of the Ottawa Convention states that "no Party may assist, encourage or induce any person to engage in any activity prohibited by this Convention from a Party." How broadly or narrowly this article is interpreted and what the ultimate effect is depends entirely on the defence equipment purchaser. However, competition is fierce in the defence sector, where the contracts are large and the purchasers are States, which are also bound by international treaties. Reliability is key, so reputational risks and disadvantages matter. Therefore, the envisaged withdrawal from the agreement is expected to reduce the export potential of the defence sector due to reputational risk.

For its anti-personnel mine production, Finland needs raw materials from elsewhere, which producers in the

Ottawa Treaty countries cannot sell to Finland under the treaty. Since anti-personnel mines are simple to produce, it will be very difficult to prove that certain raw materials cannot be diverted to mine production in Finland. The inability to prove that certain materials will not be used for mine production may, in turn, create practical problems and barriers to importing raw materials for other Finnish sectors.

5. There is no such thing as “responsible” use of anti-personnel landmines

The main principle of anti-personnel landmines is that the mine is triggered by the victim themselves, for example, by walking into the mine or tripping a trip wire. The Anti-personnel landmines are passive weapons, not under the control of armed forces, although fencing, GPS locators or time-related destruction mechanisms can reduce the damage of landmines to civilians. The use of anti-personnel mines is contrary to the principles of humanitarian law, which was already established in the 19th century, since the distinction between civilians and soldiers, which is the basis of humanitarian law, is not possible in the case of anti-personnel mines.

Regardless of whether Finland withdraws from the Ottawa Convention or not, anti-personnel mines are and will remain illegal means of warfare under international law. Even in war, there are rules, even if they are broken.

Since anti-personnel landmines have been illegal weapons for years, there is no generally acceptable, responsible way to use anti-personnel landmines. Of course, it is expected that the Finnish Defence Forces will seek to reduce the harm of mines to the civilian population, especially as the harm would be targeted mainly at the Finnish civilian population. However, reducing the harm caused by mines does not make their use “responsible,” just less irresponsible.

If technology separates civilians and soldiers, there is no fundamental reason or need to break away from the Ottawa Treaty. It already appears that Finland would eventually use technology that the Ottawa Treaty would not prohibit.

The rules of war are designed to protect both civilians and states amid war. There is no notable Finnish exception here, but by withdrawing from the Ottawa Convention, Finland is undermining international cooperation and humanitarian laws – the things Finland has stood firmly behind and that protect us too.