



Statement on Mine Clearance

11th Meeting of States Parties to the Mine Ban Treaty
Phnom Penh, Cambodia
1 December 2011

Mr President,

Both the letter and the spirit of Article 5 are of critical importance to the integrity of the treaty. Four States Parties, whose Article 5 deadline expired on 1 March 2009, were suspected in 2011 to be contaminated with antipersonnel mines. None reported mined areas prior to their Article 5 deadline nor has any yet sought or received an extension to its legal deadline. This is an issue not foreseen by the drafters of the treaty and it demands urgent clarification from the States Parties about the actions to be taken to ensure full compliance with the requirements of Article 5.

In a commendable act of transparency, Germany reported suspected antipersonnel mine contamination on its territory for the first time during the 2011 Standing Committee meetings. As we have heard, the suspected mined area is at a former Soviet military training area in the erstwhile East Germany. We would like to thank Germany for its update this morning and for its engagement on this issue.

As we have also heard, Hungary suspects it has antipersonnel mine contamination along its border with Croatia, remaining from the conflicts in the former Yugoslavia in the 1990s. Until today, it had not yet formally reported on the issue to States Parties, despite the fact that a mine survey and clearance project along the border with Croatia started several months ago, with funding from the European Commission that was sought long before this. The existence of a suspected mined area had not been mentioned in Hungary's most recent transparency report submitted under Article 7 of the treaty, nor at the June 2011 intersessional meetings of the Standing Committees. We are pleased to hear that Hungary will address this issue in its next Article 7 report. Reporting on the presence of mined areas is a legal obligation not a matter of discretion to individual States Parties.

Mali may have new contamination resulting from the laying of mines by a non-state armed group in 2011. It is regrettable that Mali is not participating in this meeting of States Parties. Of even greater concern, Niger seemingly has a mined area around a former French military base (now a Niger frontier post with Libya). The minefield was reportedly laid during the colonial period. We are sure all States Parties would want to know why this known mined area was not reported during the ten years of Niger's formal deadline. It is therefore deeply regrettable that Niger is not participating in this meeting.

All States Parties should include the relevant information in their Article 7 reports.

The broader question arises as to how to deal with these differing situations under the treaty, ensuring that the treaty's high clearance standards are upheld, and that consistent obligations are imposed on all States Parties in full transparency.

Unless the newly discovered mined area is small and can be cleared very quickly, for example, before the ensuing Meeting of States Parties, the ICBL believes that a State Party that finds itself in the position of having mined areas suspected to contain antipersonnel mines should be required to solicit a new deadline under a "special Article 5 deadline procedure". This should apply both to a State Party that has not previously declared mined areas and whose Article 5 deadline has expired,

and to a State Party with previously declared mined areas but whose deadline has already passed without an extension being sought and granted in accordance with Article 5.

The new deadline sought should be specific, for no longer than is absolutely necessary, and with a maximum limit that we suggest should in no case exceed five years. The additional time is intended to enable the affected State Party to confirm antipersonnel mine contamination and to complete all necessary clearance. In addition, the State Party concerned should respect its Article 7 reporting obligations and keep other States Parties regularly informed of progress made in fulfilling its Article 5 obligations.

We understand that it is not possible to do more than initially explore this issue during this Meeting of States Parties. What is essential, however, is that there is a clear agreement by this meeting to have an in-depth consideration of the issue, including at the 2012 Standing Committee on Mine Clearance, and that States Parties adopt a clear and unequivocal decision on the new procedure at the 12MSP in Geneva in December 2012, as Norway has suggested this morning. We will of course commit to engage constructively in this critical process.