

Analysis of the request submitted by the United Kingdom of Great Britain and Northern Ireland for an extension of the deadline for completing the destruction of anti-personnel mines in accordance with Article 5 of the Convention

Submitted by the President of the Eighth Meeting of the States Parties on behalf of the States Parties mandated to analyse requests for extensions

14 November 2008

1. The United Kingdom of Great Britain and Northern Ireland ratified the Convention on 31 July 1998. The Convention entered into force for the United Kingdom on 1 March 1999. In its initial transparency report submitted on 26 August 1999, the United Kingdom reported areas under its jurisdiction or control containing, or suspected to contain, anti-personnel mines. The United Kingdom is obliged to destroy or ensure the destruction of all anti-personnel mines in mined areas under its jurisdiction or control by 1 March 2009. The United Kingdom, believing that it will be unable to do so by that date submitted on 31 May 2008 to the President of the Eighth Meeting of the States Parties (8MSP) a request for an extension of its deadline of ten years (until 1 March 2019).
2. The request indicates that during the conflict in 1982, “a number of minefields were laid in the Falkland Islands”. The request also indicates that the Argentine Government has reported to the United Nations that some 20,000 anti-personnel mines and 5,000 anti-vehicle mines were taken to the islands by its armed forces. The request further indicates that approximately 1,855 mines have been removed and destroyed from the mined areas since the conflict.
3. The request indicates that a general survey carried out in June 1982 recorded 113 minefields totalling 7,353,700 square metres and 4 areas suspected of containing mines totalling 5,225,200 square metres. The request also indicates that all 117 areas have been perimeter-marked and are regularly monitored and protected by quality fencing, to ensure the effective exclusion of civilians. The States Parties mandated to analyse requests submitted under Article 5 (hereafter referred to as the “analysing group”) noted that, while the United Kingdom had reported the destruction of approximately 1,855 mines from mined areas, it had not reported any mine clearance since entry into force nor the release through other means of any of the originally identified 117 areas.
4. The request indicates that in 2001, the United Kingdom and Argentina “agreed to carry out a feasibility study on the clearance of landmines in the Falkland Islands”. The request further indicated that the Resilience Centre of Cranfield University was selected by the two States to carry out certain tasks, including a field survey, which concluded in October 2007. As noted, the United Kingdom’s request is for ten years (until March 2019) on the basis of the findings of the joint UK-Argentine Feasibility Study, which concluded that the clearance of mines from all mined areas would be challenging, but technically possible and that it would take a minimum of ten years.
5. The request indicates the following as impeding circumstances: (a) Mined areas have a variety of terrain types and thus a single clearance method cannot be used; (b) Distance from the United Kingdom makes strategic logistics very challenging; (c) Almost 40 percent of mined areas are located in very isolated locations that can be accessed only with specialised vehicles; (d) A wide range of environmental issues affect the flora and

fauna requiring an environmental impact assessment prior to clearance; (e) There are a number of remediation protocols associated with every different terrain; and, (e) Climatic conditions restrict work to 10 months of each year and make the use of dogs unlikely.

6. The analysing group noted that presumably the delay in proceeding as soon as possible after entry into force to overcome the above mentioned impeding circumstances or to carry out any demining hampered the United Kingdom in fulfilling its obligations under Article 5 of the Convention by its deadline. The analysing group further noted that, while taking into account the considerations mentioned above, environmental factors should not ultimately prevent fulfilment of Article 5 obligations as soon as possible.
7. The request does not provide annual projections of mined areas to be released during the extension period but does indicate that March 2019 is the estimated date for destroying or ensuring the destruction of all anti-personnel mines in known mined areas listed in the request. The request further notes that a two year trial has been recommended to assess the suitability of various mine clearance equipment and techniques, the optimal mix of techniques and equipment to be used in each mined area and the environmental impact of the clearance options, and, to examine the range of options of peat remediation that may be appropriate for each clearance technique. The request also notes that the trial will be fundamental to confirming the timescale of the overall project. The analysing group noted the necessity of a trial to develop a clearance plan and ascertain a time-frame for implementation. In this context and given the absence of any mention of the preparation and status of work conducted under a national demining programme in accordance with Article 5.4(a)(i), the analysing group further noted the importance of States Parties requesting only the time period necessary to assess relevant facts and develop a meaningful forward looking plan based on these facts.
8. The request contains no information on methods to be used to render areas no longer dangerous on the basis, as noted above, that a two year trial has been recommended to assess the suitability of various mine clearance equipment and techniques, the optimal mix of techniques and equipment to be used in each mined area and the environmental impact of the clearance options, and, to examine the range of options of peat remediation that may be appropriate for each clearance technique. The request further indicates that now that the feasibility study has been completed, the United Kingdom is considering options before deciding on next steps. The analysing group noted that more than a year has passed since the date of the feasibility study report without decisions having been taken on available options.
9. The request indicates that a two year trial, mentioned above, will be fundamental for confirming likely costs. The request further indicates that the feasibility study mentioned above has established that the demining operation is going to be “comparatively expensive”, costing millions of British pounds. The request also indicates that a demining operation has to be seen in the context of the United Kingdom’s contribution to assisting mine action programmes in developing countries. The analysing group noted that a State Party’s obligation to implement a particular article of the Convention does not diminish its obligation to implement another article of the Convention. The analysing group further noted that the request makes no mention of financial means made available since entry into force to conduct work under a national demining programme; nor is there mention of a financial commitment to carry out work during the requested extension period or of possible sources of financing.

10. The request indicates that 13 square kilometres of area in question represents 0.1 percent of the land used for farming and thus the economic impact on farming communities is considered minimal. The request further indicates that with tourism growing local inhabitants do not want interference (presumably from demining) with the tourist season. The request also indicates that demining would disrupt small communities and place a strain on infrastructure. Finally, the request indicates that no civilian has been killed or injured by mines in over 25 years.
11. The request indicates that any future clearance of mined areas will be subject to an environmental impact assessment (EIA), that “the decision whether to agree to planning permission would be a matter for the Falkland Island Government” and that a planning application would be required under local law for each individual minefield to be cleared. The analysing group noted that, while taking into account all of these considerations, ultimately it is up to the Government of the United Kingdom to ensure compliance with its Article 5 obligation to destroy or ensure the destruction of all anti-personnel mines in mined areas under its jurisdiction or control, as soon as possible – obligations that were knowingly accepted by the United Kingdom as a sovereign State.
12. The request includes other relevant information that may be of use to the States Parties in assessing and considering the request including lists of areas in which anti-personnel mines are known or are suspected and a version for public dissemination of the report on the “Field Survey to Examine the Feasibility of Clearing Landmines in the Falkland Islands (Islas Malvinas).”
13. The analysing group noted that no demining had taken place in the Falkland Islands (Malvinas) since entry into force and that the United Kingdom had made no clear commitment through its extension request to start mine clearance operations and ultimately comply with its obligations. The analysing group further noted that the Convention as a whole would benefit if the United Kingdom provided an unequivocal commitment to implement Article 5 as soon as possible.
14. The analysing group noted that it is unfortunate that after almost ten years since entry into force a State Party is unable to specify how remaining work will be carried out and that a two year trial is still required to obtain all necessary information and to confirm the timescale of the overall project. In this context, the analysing group noted the importance of a State Party requesting only the time period necessary to understand the true remaining extent of its challenge and develop plans accordingly that precisely project the amount of time that will be required to complete Article 5 implementation. The analysing group noted that through a 29 August 2008 letter to the United Kingdom’s Permanent Representative to the Conference on Disarmament, a 8 September 2008 letter to the United Kingdom’s Secretary of State for Foreign and Commonwealth Affairs and 6 November 2008 telephone conversation with the United Kingdom’s Minister of State for Foreign and Commonwealth Affairs, the President, on behalf of the analysing group, had proposed to the United Kingdom that it consider this course of action.
15. The analysing group noted that an accounting of annual milestones of progress to be achieved would greatly assist both the United Kingdom and all States Parties in assessing progress in implementation during the extension period. In this regard, the analysing group further noted that both could benefit if the United Kingdom provided updates

relative to such an accounting at meetings of the Standing Committees, at the Second Review Conference and at Meetings of the States Parties.