

## ICBL response to statements by countries with 2009 deadlines

25 April 2007

Thank you Mr./Madame Co-chair for this opportunity to comment on the presentations heard this morning. We have to say that we found the day disappointing so far:

We were disappointed to hear how few states this morning confirmed that they would be able to destroy all AP mines in all mined areas within 10 years, which is only in 2 years for these states. From our count, and we invite you to correct us, the states predicting on-time completion were:

- Swaziland
- France
- Senegal (though they noted it would be difficult)

That's it.

These states predicted a completion date after their 10 year deadline or did not specify when they expected to finish:

- Yemen
- Chad
- Nicaragua
- Peru
- Ecuador
- Zimbabwe
- Croatia
- Thailand
- Bosnia
- Jordan
- Mozambique
- Denmark
- UK
- Argentina

Malawi stated that it would need to wait until an ongoing survey is completed to determine when it could finish, and Uganda said it was awaiting talks with LRA to determine when it could demine areas in the north.

We hope many of the states with unclear status will end up in the first category and that this clarification of status can happen over the coming months.

So we know it is said over and over, but we think we need to say it again: the treaty says this work must be done *as soon as possible*, but no later than 10 years after joining the treaty. The Nairobi Action plan expressed SPs expectation that "FEW IF ANY" states would need to request an extension. This work needs to be done quickly not just because it is a treaty obligation but also because every day that goes by without clearing the mines is another day that an innocent person might step on them.

We are particularly disappointed that at least four states that have not yet removed a single mine – 8 years after joining the treaty, 8 years after making a legal commitment

to clear mines ASAP. We specifically regret the absence of even an update on activities by Venezuela, UK, and failure of Niger to even attend this meeting

These delays are simply unacceptable, no matter what the reason. We also need to point out – and we'll talk about this more tomorrow – that certain excuses just do not hold for delaying action:

- It is not acceptable, for example, to delay work because of a lack of “alternatives” for protecting military infrastructure, prisons, or borders. This obviously goes against the point of the treaty, which is to ban and eliminate a weapon currently in use because of its indiscriminate and inhumane character. In fact, if a state is deriving military benefit from these mined areas, this would constitute a violation of Article 1's prohibition on use.
- In addition, domestic legislation does not excuse a state from its international legal obligations. In the case of France, it's been 1.5 years since these new rules, and the work might have even been accomplished before the new rules were established. So while we understand the need for strong safety precautions and appreciate your predictions for on-time completion, we still do not understand why this work has not already been accomplished, especially given the progress made by many other states with much greater constraints and much less resources.
- We have the same lack of comprehension for the UK, Venezuela, Niger and Malawi, though we recognize that work will begin soon in Malawi.

We were disappointed not to hear from Djibouti and Namibia, states that we believe may still have obligations under Article 5 because they have previously stated that they are mine safe, but have never reported full completion of obligations under Article 5.

We also heard from many states about difficulties in finding sufficient funding. So we would like to remind all SPs of the double obligation of the treaty. It appeared that most states addressing this issue recognized that it is first and foremost the affected SP's duty to implement the treaty. But they are also right to remind other states of their legal obligation to provide international cooperation and assistance.

There was, of course, much positive news this morning. Work is progressing at a good pace in several countries, and many states took note of established or growing national capacity. We were pleased to hear about faster than predicted progress in Jordan, that momentum is picking up in Thailand, and that Thailand, Croatia, and Bosnia-Herzegovina are using judicious use of area reduction to properly identify mined areas.

To sum up we know that the people in this room care about clearing mines and doing so quickly, and that in some cases the complexity and the quantity of the initial contamination means that the work will take many additional years to complete. But we urge you to communicate back to your capitals the words of the NAP: “intensify and accelerate efforts to ensure the most effective and most expeditious possible fulfillment of Art. 5.”

We look forward to hearing more reports from affected states parties, and invite any clarification on the tally we provided.