



SVERIGES
STÄNDIGA REPRESENTATION

Genève

Disarmament section

Annika Thunborg

+41-(0)22-9080821

+41-(0)79-469 4253

annika.thunborg@foreign.ministry.se

Standing Committee on Mine Clearance, Mine Risk Education and Mine Action Technologies

The general status of the implementation of Article 5

June 13, 2005

Let me begin by saying how pleased I am to be one of the co-chairs of the Standing Committee of the Anti-Personnel Mine Ban Convention. This is a functioning Convention – a Convention on which progress is made progressively and measurably, a Convention which has a positive effect on peoples' lives on a daily basis. But, at the same time, we continue to have many difficult challenges ahead of us. Many problems remain to be solved.

Every cleared mine-field has or could have a humanitarian impact, an impact on development, an impact on disarmament, and an impact on peace-building and confidence-building.

In today's world of multilateralism in general, and humanitarian issues and disarmament in particular, the First Review Conference of the Antipersonnel Mine-Ban Convention in Nairobi last year was a success. The Action plan that was adopted laid down strong concrete actions to be taken by States Parties in the next five years leading to the next Review Conference. It was adopted to forward the Convention's aim to end the suffering and casualties caused by anti-personnel mines – for all people, for all time. We now – all of us – have the obligation to see to it that this Action plan is being implemented.

As you all know, there are three main obligations contained in Article 5.

1. States Parties must “make every effort to identify all areas under (their) jurisdiction or control in which antipersonnel mines are known or suspected to be emplaced;”
2. States Parties must “ensure as soon as possible that all antipersonnel mines in mined areas under (their) jurisdiction or control are perimeter-marked, monitored and protected by fencing or other means, to ensure the effective exclusion of civilians, until all anti-personnel mines contained therein have been destroyed;” and,
3. States Parties must undertake “to destroy or ensure the destruction of all anti-personnel mines in mined areas under (their) jurisdiction or control, as soon as possible but not later than ten years after the entry into force of (the) Convention for (a particular) State Party.”

In concrete terms, this means that deadlines are coming up in 4 years for almost half of, or 22 of, the 47 States parties have reported mined areas. And as was agreed in Nairobi, successfully meeting these deadlines will be the most significant challenge in the years leading to the next Review Conference, and will require intensive and accelerated efforts by mine-affected States as well as efforts by states in a position to give assistance. Of these 22 countries, only half have set clear goals to meet their deadlines. A list of the 47 mine-affected States Parties and their time-lines for completing clearance in accordance with Article 5, is attached to our statement.

We also agreed in Nairobi "to strive to ensure that few, if any, States Parties will feel compelled to request an extension" of their mine-clearance deadlines, as provided for in Article 5 of the Convention, paragraphs 3-6.

So, in accordance with the Nairobi Action Plan, Actions 17-22, in the next years, the mine-affected countries need to do everything they can to:

1. urgently identify all their mined areas
2. urgently develop and implement national plans
3. perimeter mark, monitor and protect mined areas to ensure the effective exclusion of civilians
4. give priority to clear high and medium risk impact areas as an intermediate step to fulfilling clearance obligations
5. significantly reduce risks to populations, leading to a reduction in the number of new mine victims

6. ensure that mine risk education programs are made available in all communities at risk

At the same time, States in a position to do so need to promptly assist those mine-affected States with clearly demonstrated needs for external support both for mine-clearance and mine risk education, as provided for in Articles 6.3 and 6.4 of the Convention.

In this context, let me briefly remark on what it means to have fulfilled one's obligations under Article 5 of the Convention. On the one hand, the term "mine-free" does not exist in the Convention. That is, the Convention does not require say that each State Party must scour every square metre of its territory to find mines, which would be the only way of unequivocally assuring a mine-free state. On the other hand, the term "mine-safe" does not exist in the Convention either. The Convention is perfectly clear in spelling out that States Parties have an obligation to destroy all its anti-personnel mines in mined areas which a State Party has made reasonable effort to identify. Anything else would be non-compliance with the Convention.

We as co-chairs have set a number of goals that we would like to see achieved this year. In Zagreb in December we hope to be able to say that:

1. x number of additional countries have reported that they have fulfilled their Article 5-obligations. We hope and think that we already in this meeting will get an indication from some of these States parties that this is in the works. Three States Parties – Cost Rica, Djibouti and Honduras – have already reported that they have fulfilled their Article 5 obligations.
2. x number of States have indicated a concrete date within the next two years when they will have fulfilled their Article 5 obligations.
3. all other States with deadlines in 2009 have communicated what it will take for them to fulfill their Article 5 obligations by their deadline, and that all these States have plans in place to ensure this.
4. the vast majority of other States with deadlines post-2009 have developed plans to fulfill their obligations in time for their deadlines.
5. x number of additional States have indicated that they have cleared all high and medium risk mined areas under their control as an intermediate step to fulfilling their mine clearance obligations.

To achieve these goals, it is important to utilize the tools that are provided for in the Convention. I am thinking about the Article 7 transparency reports that are an obligation for States Parties.

Of the 47 States Parties with Article 5 obligations, with the exception of Ethiopia, each has complied with its obligation to provide an initial report in accordance with Article 7.

Ethiopia is not required to submit its first report in accordance with Article 7.1 until later this year.

Of the 47 States Parties with Article 5 obligations, 46 were required to have provided an updated report in 2005 in accordance with Article 7.2. Seventeen (17) of these 46 States Parties have not yet done so.

Also, the Meeting of States Parties, the Intersessional meetings and other meetings should be seen and used as an opportunity for mine-affected States Parties to make their problems, plans, progress and priorities for assistance known to the rest of the international community. In this context, mine-affected countries also need to specify what resources they themselves have contributed to fulfill their Article 5 obligations.

So now you have your chance – today and tomorrow. Please, use it!

Annika Thunborg

Co-Chair of the Standing Committee on Mine Clearance, Mine Risk Education and Mine Action Technologies