

STATEMENT BY AMBASSADOR SIPHO GEORGE NENE
PERMANENT REPRESENTATIVE OF SOUTH AFRICA
TO THE OFFICE OF THE UNITED NATIONS AND OTHER
INTERNATIONAL ORGANIZATIONS IN GENEVA

Mr President

May I congratulate you on behalf of the South African delegation on your election as President of the Fourth Meeting of States Parties of the Mine Ban Treaty (MBT). Please be assured of my delegation's full co-operation and support to ensure the success of this Meeting.

South Africa strongly believes that the Mine Ban Treaty has irreversibly established itself as the international norm in banning anti-personnel mines. This is demonstrated by the fact that since the Third Meeting of States Parties in Managua in September 2001, an additional six States have formally committed themselves to the MBT bringing the total number of State Parties to one hundred and twenty-six.

The ratification of the Treaty by Angola in June this year, as the last Member of the Southern African Development Community (SADC) sub-region to do so, makes the SADC one of the first sub-regions and one of the most mined regions, to formally adhere to the MBT as a whole. SADC's objective of becoming a mine-free region has therefore taken a significant step forward. We sincerely hope that our region will truly be mine-free within a short period of time.

Mr President

South Africa wishes to recall that in terms of the mandate of the Standing Committees as agreed to in Maputo in 1999, the role of the Intersessional Work Programme should be an essential element in maintaining the momentum and cohesion behind the global humanitarian Mine Action effort. In accordance with this mandate, the objective of the informal intersessional work programme is therefore to further the core humanitarian objective of the MBT. In this context, we believe that serious allegations of non-compliance should not be dealt with at the informal intersessional meetings, but should be dealt with in terms of the procedure outlined in the Treaty.

My delegation therefore welcomes the progress that has been achieved in addressing the humanitarian objectives of the MBT during our recently held Intersessional Standing Committee meeting, ably chaired by all the Co-Chairs. The continued success of the Intersessional work programme would not have been possible without the tireless participation in the Standing Committee meetings by all concerned parties, especially the non-governmental community. Furthermore, our work would not be a success without the enabling support by the Geneva International Centre for Humanitarian Demining (GICHD). In addition, the successful establishment of the Implementation Support Unit (ISU) has greatly facilitated the functioning of the Intersessional Work Programme. We also sincerely appreciate the work undertaken by the Co-ordinating Committee in advancing our work in the intersessional meetings.

Mr President

As we approach the First Review Conference of the Convention in 2004, we hope that this Meeting would initiate a preparatory process to that effect. It is our hope that at the Fifth Meeting of States Parties, to be held in Bangkok, we will be able to decide on the date, duration, venue, Presidency and formal preparatory process of the First Review Conference. It is further our expectation that this Meeting would mandate the President to undertake informal open-ended consultations on those issues of the First Review Conference we need to take decisions on at our next meeting of States Parties.

Mr President

Universalisation of the Convention remains a priority. Nonetheless, it is important that initiatives aimed at furthering the universalisation of the Convention be co-ordinated in a structured manner involving all concerned. This could be achieved by taking into consideration specific regional and sub-regional sensitivities and priorities thus ensuring that such efforts have a positive effect. It is also important that we act in solidarity and reject attempts that are made in the certain fora to legitimise the use of anti-personnel mines.

Mr President

With regard to Article 9 on national implementation measures, South Africa is pleased to inform the Meeting that draft enabling legislation has been approved by South Africa's Cabinet and has been submitted to Parliament.

During the drafting process, the objective was to develop legislation that was truly comprehensive in nature and the approach that was followed was a broad and consultative one. Civil society, including the South African demining industry and foreign enterprises involved in mine action based in South Africa, was drawn into the process through a series of regional workshops to further enhance the draft legislation.

This was not only done as a transparency exercise, but to ensure that any provisions of the draft Bill that would impinge upon their legitimate activities in the field of physical demining could be addressed. This inclusive approach to draft the Bill again underlined the South African Government's approach and proven track-record of consulting civil society and in this instance, of the partnership that has been forged between Government and civil society in the field of mine action, as well as with the industry as a prime stakeholder.

The draft legislation extends the scope of jurisdiction to include foreign nationalities present or acting within the Republic of South Africa, while it is binding to South African nationals outside South African territory. Furthermore, the draft legislation places very clear obligations on the South African Government regarding its reporting obligations, as well as on its obligation to receive international fact-finding missions and international inspectors. In order to strengthen compliance with the Convention, the Minister of Defence, under Chapter 7 dealing with 'Domestic Inspections', has the competency to appoint a competent person as a domestic inspector to assist with inspections aimed at investigating and enforcing compliance with the Act.

Lastly, the draft legislation also has provisions on international co-operation and assistance. In this regard it provides a framework that enables South Africa

to conclude specific mine action co-operation agreements with other parties.

Mr President

Regionally, South Africa is actively participating as a member of the SADC Mine Action Committee (SMAC). At a recent meeting of the Committee areas of concern, which need immediate attention in addressing the plague of anti-personnel mines within the sub-region, were identified. These included policy and legislative issues; technology and information; as well as landmine victim assistance and resource mobilisation. With all the SADC countries that are now States Parties to the MBT, and with the establishment of the Mine Action Committee, our region has in place the structures to forever eradicate the anti-personnel mine scourge.

In conclusion, Mr President

States should without delay implement the policies banning anti-personnel mines that would guarantee us a world free of anti-personnel mines. This can only be possible through real co-operation, co-ordination and implementation of the obligations as contained in the Mine Ban Treaty and the universal adherence to the Treaty. South Africa, therefore, calls upon all those States that have not yet banned anti-personnel mines to demonstrate the necessary political will and join us in eradicating forever this scourge.

I thank you.