



The Status and Implementation of Article 5

Statement by the Vice President Ambassador Johan Nordenfelt of Sweden at the Sixth Meeting of the States Parties in Zagreb, Croatia, 28 November 2005

Let me start by saying how pleased I am to work with this Convention. It is a Convention on which progress is made progressively and measurably, a Convention which has a positive effect on peoples' lives on a daily basis be it humanitarian, developmental, disarmament, peace-building or confidence-building. But at the same time, we continue to have many difficult challenges ahead of us.

One major challenge is Mine Clearance. In Nairobi, mine clearance was identified as one of the most significant challenges facing the Convention in the coming years. As many as 46 States Parties need to fulfill their obligations to clear all anti-personnel mines from the mined areas under their jurisdiction or control. Of these, 22 States Parties need to fulfill their obligations before the next Review Conference, in 2009 – in most cases that means in less than in four years. To be able to meet these deadlines, intensive and accelerated efforts are required both by the mine-affected states themselves and by States in a position to provide assistance.

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

The Actions in the Nairobi Action Plan are firmly rooted in the Convention itself. 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 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 each State Party to 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. This does not in any way contradict the notion that priority should be given to the clearance of high and medium risk impact areas to alleviate the worst humanitarian suffering or developmental problems. But at the same time we have to bear in mind that this is but an intermediate step towards fulfilling the clearance obligations in Article 5.

This is also the notion we have had in mind when we have drafted the Zagreb Progress Report and put together annex IV which is based on the information States Parties themselves have provided in their Article 7 reports, in presentations made in the meetings of this Convention, or through additional information provided by them. Let me say that it has not been easy to put together this annex, and that we look forward to additional

information from States Parties to complement or clarify the information that we have provided in the Zagreb Progress Report. We remain very open to making changes to this section based on our discussion here today and tomorrow.

Since the Review Conference in Nairobi, quite a few actions have been taken and progress made with regards to mine clearance. You find an overview of this development in the Zagreb Progress Report. Especially worth mentioning is that Suriname has indicated informally that it has fulfilled its obligations under Article 5, and that for example Guatemala, Nicaragua, FYROM and Zambia have indicated that they will fulfill their obligations in the near future or not later than in two years from now. We hope that many more countries will join these countries and others during this meeting and indicate a concrete time when their Article 5-obligations will be fulfilled.

Furthermore, landmine impact surveys have been completed in Afghanistan and are underway in Angola and Ethiopia. IMSMA have been made available by the GICHD to mine action programmes in 29 relevant States Parties, the IMAS Review Board has made amendments to 32 IMAS, 12 IMAS have been translated into French, the translation of all IMAS into Russian commenced in August, and – perhaps the most important - more and more people in high risk communities are receiving better and better Mine Risk Education.

But many challenges remain. 18 States Parties have reported, as required, on measures taken to ensure that mined areas are "perimeter-marked, monitored and protected by fencing or other means to ensure the effective exclusion of civilians". Still, it continues to be very expensive to fence off large parts of a territory and to monitor it, and to maintain fencing and marking. It continues to be a large problem that fencing is being removed for day-to-day purposes in many communities.

The greatest challenge remain the actual mine clearance. Of the 22 States Parties that have obligations according to Article 5 and deadlines expiring before the next Review Conference, more than half need to communicate what it will take for them to fulfill their Article 5 obligations by their deadlines. Approximately five (5) of these States parties do not yet have a plan or programme in place. Approximately seven (7) of these States Parties need to provide more information so as to clarify how they intend to live up to their obligations, or to make their implementation consistent with their obligations.

Of the remaining 24 States Parties that have deadlines coming up after the next Review Conference, approximately 14 countries need to establish a plan or programme for mine clearance and to implement it, or to clarify its existent plan, or to make its plan consistent with Article 5-obligations.

It is against this background that we have formulated some of the priorities in paragraph 54. The first priority is for the States parties that have not yet identified all relevant mined areas under its jurisdiction or control to do so as soon as possible. We have estimated that approximately between 7 and 12 countries would need to act according to this priority. The second priority is for States parties that have not yet done so to establish plans for mine clearance and to implement its plan. We have estimated that approximately 15 States Parties would need to act according to this priority.

As you well understand, there will be much to do in the Standing Committee on Mine Clearance over the next years. It is up to the States Parties themselves to see to it that progress is being made. But of course, it is helpful to have guidance. In this regards, I on behalf of Algeria and Sweden wish the incoming co-chairs Jordan and Slovenia all the best in picking up where we have to leave matters after this meeting.