



STATEMENT

By

Ambassador John Duncan

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Disarmament

**Convention on the Prohibition of the Use,
Stockpiling, Production and Transfer of Anti-
Personnel Mines and their Destruction**

GENEVA, 26 NOVEMBER 2008

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26 November

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**STATEMENT BY AMBASSADOR JOHN DUNCAN, HEAD OF THE UK
DELEGATION TO THE NINTH MEETING OF STATES PARTIES TO THE
CONVENTION ON THE PROHIBITION OF THE USE, STOCKPILING,
PRODUCTION AND TRANSFER OF ANTI-PERSONNEL MINES AND THEIR
DESTRUCTION**

Mr President

The United Kingdom is pleased to participate at this ninth Meeting of States Parties under your leadership. I would like to thank the outgoing President for his skilful leadership of the 8th Meeting of States Parties and applaud his personnel efforts as Chair of the Analysing Group.:

The UK shares the desire for a successful outcome to this meeting, including a balanced and consensus outcome on the extension requests under review. The collaborative spirit that has underpinned the Convention has been one of its notable successes and has been a significant factor in our collective effort to remove the threat to innocent civilians posed by anti-personnel landmines.

Mr President, dear Colleagues, as we sit in these historic halls let us not forget that our overwhelming priority is to protect the innocent. The parents of a young girl who has lost her sight, the farmer who has lost his legs do not care about the diplomatic wrangling which so often characterises our work. They are not impressed by lengthy if eloquent speeches. They are certainly unmoved by who is able to claim the moral high ground here. They care about who is going to help them and who is going to take action to remove this terrible threat to others in their community.

That is why the United Kingdom together with Canada, Japan and Norway collectively spent over \$ 160 million last year to help those countries worst affected by the scourge of landmines. This is the victims priority and even in these times of very serious pressure on financial resources, it remains our priority.,

As we move forward this week It will also be important to bear in mind our shared ambition to universalise this convention, to persuade other nations to join. We must strive to avoid the trap of an increasingly politicised process that would undermine our efforts in this respect. Furthermore as the Convention and rules of procedure make clear, it is for member states to consider whether to accept recommendations and suggestions made at the Meetings of States Parties. Contrary to the views expressed in some of the papers introduced and interventions made during this meeting, the obligations that States Parties have accepted in signing the Convention

cannot be modified or additional obligations imposed except by the procedures set out in articles 8.2 and 13.

Mr President

The United Kingdom takes very seriously all its obligations under the Ottawa Convention. With the 1998 Landmines Act the UK put into place effective domestic legislation to prevent and suppress any activities prohibited for a State Party taking place on territory under our jurisdiction and control. The United Kingdom's substantial stockpile of over a million anti-personnel mines were destroyed within the first year from the entry into force of the Convention; some three years before the required deadline under Article 4.

The only remaining obligation specifically for the United Kingdom to fulfil is the clearance of mined areas under the jurisdiction and control. The only such areas are located in the Falkland Islands. Member states have asked why these mines laid over two decades ago have not been removed.

The UK's primary concern, as later reflected in the objectives of this Convention, has been to remove the threat of APLs to innocent civilians. Thus, immediately following the end of hostilities, priority was given to clearing those areas where civilians were in immediate danger. A total of 1,855 mines and booby traps were removed from the Falklands at that time.

The remaining mined areas cover a wide range of terrain including dunes, mountains, rock screes, dry, wet and swampy peat. Many are in isolated areas where access is only possible by specialist tracked vehicles. In accordance with Article 5 all mined areas have been perimeter marked, regularly monitored and protected by fencing to ensure the effective exclusion of civilians. The UK Explosive Ordnance Disposal Detachment permanently based on the island regularly monitors the minefields taking action to destroy mines that may pose a humanitarian risk. This activity is supplemented by mine risk education.

In subsequent years the UK worked with Argentina to consider how best to address the unique nature of the Falklands minefields. In a move welcomed by States Parties a Joint Working Party was established with Argentina. As I said in my statement to the 8th Meeting of States Parties this was a "long and complex journey". Work began in 2001 on the Joint Feasibility Study into clearance of landmines in the Falkland Islands, the core of which was a Field Survey carried out by Cranfield University, an independent and internationally respected institution. The detailed, complex and extensive bi-lateral negotiations meant that this work was only completed in October 2007. I would like to once again thank Argentina for their sustained and constructive engagement throughout the process.

Following the completion of the Feasibility Study, the Explosive Ordnance Disposal Detachment and other staff completed IMSMA training provided by the GICHD in April 2008. They are currently in the process of digitising all the mines and geographic information, which we aim to complete early next year. This work will further assist future clearance efforts.

On 4 June I introduced to the Standing Committee on Mine Clearance the UK's formal request for an extension as foreseen under Article 5 of the Convention to the deadline to fulfil our obligation under that Article 5 to clear the 117 mined areas (13.15 Sq Km) in the Falkland Islands. We have sent 4 subsequent clarifications of our position to the chair of the Analysing Group, including 3 at ministerial level.

States Parties and the Analysing Group have now had time to study this document in detail and I would not propose to summarise it now. However, States Parties may find it helpful to have some further clarification of some of the issues raised by the Analysing Group.

First, I would like to correct any misunderstanding about the role of the Falkland Islands Government. The Ottawa Convention was extended to the United Kingdom's Overseas Territories (including the Falkland Islands) in December 2001. The Falkland Islands are aware of the UK's obligations under the Ottawa Convention. On 9 May 2008 the Falkland Islands Government made a formal statement that, "...we would not obstruct any efforts HMG wished to make to fulfil its international obligations". The Falkland Islands Government has since offered its full co-operation with any de-mining operation. We have consulted the Falkland Islands Government while carrying out the Feasibility Study and we will continue to consult them about the way forward. This is only right given their special constitutional position and the fact that these mines were laid within the community they represent. This does not in any way change the fact that it is the Government of the UK who has the obligation under Article 5 to de-mine the mined areas in the Falkland Islands, as our request for an extension makes clear.

Second, the environmental impact of demining of the Falklands is a particularly important issue and is rightly recognised as a factor to be considered in Article 5.4. The feasibility report states, "Suggestions for possible approaches to re-vegetating any invasive mine clearance methods are only suggested and outlined based on experience and experiment gained within the UK environment...Very few, if any, trials of natural vegetation establishment have been undertaken on removed or deeply disturbed peat.... It is strongly recommended that experimental testing of all proposed approaches is undertaken on trial areas before extensive restoration is attempted.

A strong caveat must also be made on mitigation proposals, and the remediation of land damaged by demining activities undertaken close to penguin rookeries.

Although there has been some experimental research on the effects of disturbance on penguin metabolic activity and breeding success including some assessment on the Islands, there are insufficient data to determine with accuracy the full environmental impact."

These environmental concerns mean that any de-mining in the Falkland Islands will be subject to a full Environmental Impact Assessment (EIA), as set out in table C.4 in the UK's extension request. In addition we think it sensible to conduct ecological impact assessments both prior to and following clearance.

Based on the findings of the Feasibility Study the UK requested a ten-year extension as the report made clear that de-mining in the Falkland Islands would be challenging and full clearance would take at least ten years. The Ottawa Convention permits extension requests for this period, and the UK's detailed request contains the information required under Article 5, paragraph 4.

The suggestion that we revise our request to seek a shorter extension may at first glance seem a reasonable alternative to some States Parties. However, it is worth bearing in mind that when possible the United Kingdom has endeavoured to complete work required under its convention obligations well within the formal deadline (as with destruction of our stockpiles)

The United Kingdom has requested a ten year extension due to the complexity of the practical issues involved in carrying out actual demining. These are explained at some length in the Joint Feasibility Study. It is with some regret that we note that the Analysing Group did not appear to give the same weight to environmental factors as was clearly intended by the drafters of the Convention, particularly when carrying out demining in fragile eco systems such as the Falklands

In the light of the Analysing Group's comments, discussions in Geneva and our desire to uphold the integrity of the Convention, we have looked at what immediate practical steps could be taken in order to advance the recommendations of the report.

I am pleased to announce today that the UK has decided to proceed with the clearance of three mined areas in the Falkland Islands. These are: Fox Bay 8 (West); Goose Green 11; and Stanley Area 3, M25. These areas have been chosen because of their proximity to urban areas. In addition the variety of terrain they cover will serve as a means of testing the environmental and ecological impact of de-mining, which I have made clear are significant factors of concern.

A Statement of Requirement is being developed and we plan to go out to tender within the next few months. Meanwhile we shall begin work on establishing a Mine Action Co-ordinating Committee based in the Falkland Islands and develop the appropriate national mine action standards. The time-scale for completing this

clearance cannot be determined with any degree of certainty and hence we will not be revising our extension request. But we fully accept that States Parties are responsible to report on progress on an annual basis as provided for under Article 7 and we will continue to meet this obligation.

I would like to re-affirm the UK's full support for this Convention which continues to be an essential framework to end the suffering and casualties caused by anti-personnel mines. The UK is fortunate that the humanitarian and socio-economic impact of the mined areas in the Falkland Islands is negligible: following the clearance immediately following the conflict, there have been no casualties in the 25 years since the conflict and there is no economic pressure to re-claim the land.

By contrast, many of the other countries seeking extension requests at this Meeting of States Parties have reported significant number of mine victims and provided compelling evidence of how de-mining has enabled socio-economic development that had hitherto not been possible. This highlights the fact that priority should continue to be given to clearance of anti-personnel mines that continue to maim and kill.

The UK's strong record of support for such clearance efforts is testament to our commitment to those worst affected by the scourge of anti-personnel landmines. We contribute around £10 million to clearance operations in mine-affected countries. I am very pleased to confirm today that the United Kingdom, has decided to maintain current levels of funding for clearance of anti-personnel landmines, cluster munition remnants and other explosive remnants of war in the worst affected regions for a further 3 years until 2013. This decision underlines the UK's commitment to the Convention's overriding priority: to put an end to the suffering and casualties caused by anti-personnel mines. Over the next 4 years the UK will continue this effort working together with those NGO's and IO's who share our focus on taking urgent action to protect innocent civilians and in this context I would like to particularly salute the work of the Halo Trust, Mine Action Group, UNDP and UNMAS.

Mr President The United Kingdom hopes that the above further clarification will serve to reaffirm the UK's commitment to its obligations under the convention, but also to assist colleagues in appreciating the real and significant practical, environmental, ecological challenges that demining the Falkland Islands presents and helps explain why we have felt obliged to request a 10 year extension.

My delegation requests that this statement be issued as a formal conference document and to be annexed to our extension request.

Thank you Mr President.