

Ninth Meeting

Geneva, 24 – 28 November 2008

Item 13 of the provisional agenda

**Consideration of requests
submitted under Article 5**

**REQUEST FOR AN EXTENSION OF THE DEADLINE FOR
COMPLETING THE DESTRUCTION OF ANTI-PERSONNEL MINES IN
ACCORDANCE WITH ARTICLE 5 OF THE CONVENTION,
EXECUTIVE SUMMARY**

Submitted by Denmark*

Background

1. In the last year of the Second World War the whole area of the peninsula of Skallingen on the Danish west coast was mined with anti-personnel and anti-tank mines. One minefield remains on the peninsula.

Humanitarian, social and economic implications

2. The social and economic impact of the remaining minefield in Skallingen is insignificant. Although tourists can not walk to the south end of Skallingen, small boats from Esbjerg cannot land there and hunters cannot hunt in the area concerned, none of this has any economic implication on the local community. Furthermore, no accidents associated with the mines on Skallingen have been reported since 1946.

The preparation and status of work conducted under national demining programs

3. The affected area has been fenced to ensure the effective exclusion of civilians and domesticated animals. New fencing was erected in 2005. Prior to the end of 2005 Denmark had gone through a range of different processes to find the correct authority with competency to administer the task of fulfilling Article 5 obligations. The organisational structure of the project was established in late 2005. The ministry responsible for clearance activities at Skallingen is the Ministry of Transport. The project is organised under the Danish Coastal Authority (KDI) which has the authority to task and coordinate civil contractors and manage projects. Furthermore, in

* Submitted after due date and as soon as received by the Secretariat.

November 2005, the Danish Parliament concluded a national political agreement regarding Skallingen with a view to the fiscal bill for 2006.

4. Since 2006, Denmark has considerably reduced the affected areas:
 - (a) The affected area of the Skallingen Peninsula as of entry into force comprised a total of 186 hectares initially identified from German 1944 mine reports and marking established by the mine clearance teams in 1947.
 - (b) In 1946 large parts of the minefield were cleared but since there were major difficulties with the clearance and quality control of mainly dune and salt marsh areas, a part of the mined area was fenced and left uncleared.
 - (c) For operational purposes the suspected mined area at Skallingen was divided into three sub areas – 1, 2 and 3.
 - (d) Area 1 was cleared by British contractor European Land Solutions in 2006, releasing 19 hectares of beach and dunes, destroying a total of 14 anti-personnel mines, 21 anti-tank mines and 32 other items (fuses or UXO).
 - (e) Area 2 was cleared by Danish consortium Minegruppen between May 2007 and April 2008, releasing 47 hectares of sensitive and highly protected nature, destroying a total of 13 anti-personnel mines, 5 anti-tank mines, and 131 other items (detonators, explosives or UXO).
5. Clearance of Area 1 and Area 2 were carried out utilising metal detection with various deep search instruments by point target excavation and / or sifting. All explosive items were destroyed as they were found or collected in a central demolition site at Skallingen.
6. Denmark has developed standards for clearance in Skallingen based on the International Mine Action Standards (IMAS). The mine clearance standards for the two first areas were adapted to the environment in which the clearance took place. Based on the experience from Area 1, the standards were altered slightly for Area 2. Prior to the future clearance of Area 3, the standards will be reviewed and reformulated so they address the situation in the new area of operation while remaining IMAS compliant. The mine clearance is subject to an extensive quality management system, which assures that the work is conducted within the framework of IMAS, the project's specific technical guidelines and in accordance with Danish legislation. This includes final quality control samples carried out of completed areas.
7. In order to ensure the quality of the process undertaken to clear mines in Skallingen the KDI outlined in the tender document the demand for quality management which was required from the contractor. KDI contracted quality auditors (Orbicon in Area 1 and Bureau Veritas in Area 2), which, in co-operation with the KDI quality manager, made an organisational accreditation of the contractor based on its proposal and standard operating procedures. KDI and the external auditor monitored the mine clearance and checked the extensive amount of recorded data following from this type of mine clearance. Furthermore, the contractor's equipment was accredited when proven in tests at Skallingen.
8. In terms of financial contributions to clear Area 1 and 2, the National Political Agreement in 2005 granted a total of 86 million DKK for the release of the dune and beach areas on Skallingen. During 2006 a further 32 million DKK were allocated.

9. The estimated total amount of remaining mined area needing to be addressed during the extension period covers approximately 120 hectares.

Impeding circumstances

10. The circumstances that impede Denmark from complying with its Article 5 obligations within 10 years of entry into force are as follows:

- (a) The release of Area 3 will be based on the further investigations of the area, the condition of the mines and the environmental influence in the area.
- (b) The time schedule is further dependent on the procedure for achieving acceptance from the environmental authorities. One of the key issues is whether Area 3 will need an EIA (Environmental Impact Assessment). A separate permission from the environmental authorities might be needed for the technical survey.
- (c) The mined area is part of the internationally famous Waddensee-area, which is designated as a specially protected nature and wildlife area under both the RAMSAR Convention and the European Union's Birds and Habitats Directives. Therefore, the area has the strongest international and national legal protection against activities which may disturb or deteriorate the high natural qualities.
- (d) Based on an impact analysis, the environmental authorities in Denmark approved the mine clearance project Area 1 and 2, provided that a number of restrictions and recommendations were followed. This concerned reestablishment of dunes, precautions to prevent sand loss from the beach, measures to keep dune and beach sand separated, restrictions on the use of access roads, etc. The most serious measure of the operational planning consisted of a ban on vehicles and use of explosives in the southern part of the area of operations from 1 April to 1 August.
- (e) Environmental restrictions similar to those imposed on the southern part of Area 2 will be quite troublesome on Area 3. Potential mine clearance will have to stop from April to August every year to avoid disturbance of colonies of protected rare breeding birds. These months are the most productive mine clearance months due to the weather conditions and because a large part of the area is under water in the remaining part of the year. So besides reducing the working year to 8 months, the effective use of the resources will be significantly reduced. One to two months yearly stand-down due to weather conditions can be expected in addition to the four restricted months. Yearly demobilisation and remobilisation will, furthermore, increase the project cost and might impede the personnel continuity. Furthermore, it may be impossible to demine the salt meadows without strongly deteriorating them, and this is probably not compatible with the rules of the Habitats Directive and RAMSAR Convention.
- (f) The existing information of Area 3 is not sufficient to confirm the extent to which the area contains mines. This is due to the fact that the mines were laid in a random distribution. After the war, partial but undocumented clearance took place. Furthermore, the area is located in a very dynamic environment with fluctuations in ground levels over time due to the movement of the dunes. A significant part of this area is a marsh habitat which is extremely sensitive and only limited admission to the area is allowed. Numerous international preservations, such as the declaration of

RAMSAR, EU bird and habitat directive and Natura 2000, have restrictions that cover the area.

- (g) The Danish Government has recently given permission to investigate Area 3 and to describe a possible release procedure for the area, taking into account all the technical and environmental aspects, to ensure a decision that enables Denmark to fulfil its obligations in accordance with the Ottawa Convention.

The duration of the proposed extension

11. Due to the complications in addressing the pending Area, Denmark is requesting a 22 month extension of its deadline. By requesting an extension of the deadline until 1 January 2011, Denmark assures to complete the technical survey, EIA and public consultations, to develop a release plan for the last mine infected area in Denmark and, furthermore, to proceed with the tendering process in order to undertake all necessary surveys and other preparations (e.g., in this case, revision of national standards). Thereby, Denmark will be in a position to develop a plan in order to complete the destruction of all anti-personnel mines in mined areas. On this basis, Denmark will then submit an additional request mid-2010 in order to being considered at the 11th Meeting of the State Parties. This extension request will include a final time schedule and a complete release plan for completing the destruction of all anti-personnel mines in mined areas based on facts and data from the technical survey, etcetera in order to fulfil Denmark's obligations in Article 5 of the Ottawa Convention.

Reasons for the proposed extension

12. It follows from the political agreement that timing and method for the release of Area 3 would be decided once areas 1 and 2 have been released, based on the experience from the release of areas 1 and 2 and on further investigations of the remaining area, including the condition of the mines and the environmental influence on the area.

13. The Danish Government has recently given the permission to conduct technical survey in Area 3 in order to map the extent of the problem and to establish release procedures for the area taking into account all the technical and environmental aspects, thus ensuring a decision that enables Denmark to fulfil its obligations in accordance with the Convention.

14. Further analysis of Area 3 is ongoing and is expected to be concluded by the end of this year. It is necessary to exercise the utmost cautiousness when planning the further process in order to find environmentally sound solutions, since there is a serious risk of causing irreparable damage to the very sensitive nature at South Skallingen. Furthermore, a survey shall provide basis for the reduction of areas that do not contain mines or other explosive hazards. Therefore, it should be underlined that the survey regarding Area 3 is an ongoing process that needs to take into consideration the significantly different landscape and the very sensitive nature of Area 3 compared to areas 1 and 2. While this research is in progress a final assessment to determine the exact duration of work cannot be made. The main obstacle is the potential consideration of objections, which could follow from the obligatory conduct of a public consultation exercise of relevant interested parties, all of which are important and necessary elements in the Danish political process.

15. Denmark is committed to providing a full status report from the findings of the preliminary survey to the States Parties within a year after the preliminary survey is concluded. This proposal is to ensure that all relevant information is made available to the States Parties at the earliest possible date. Furthermore, the Geneva International Centre for Humanitarian Demining (GICHD) has been invited to attend the preliminary survey at Area 3 and to participate in an advisory role in the planning process regarding the release of the remaining mine infected area at Skallingen. This will add the essential knowledge of the GICHD to the work in progress. The above mentioned elements create a timeline that – with regard to the Danish extension request – is listed in the table below.

1 March 2009	Original deadline.
August 2008 to June 2010	Technical survey of the area; Environmental Impact Assessment, including a public consultation exercise of relevant interested parties and drawing up a task description and definition of release criteria.
June 2010	New request submitted on this basis.
November / December 2010	New request considered at the Tenth Meeting of the States Parties
1 January 2011	Deadline of first extension.
For the moment unknown but before 2019.	Deadline of the second extension that will secure Denmark's fulfilment of its obligations in accordance with the Ottawa Convention by completing the destruction of all anti-personnel mines on Danish territory. Final release of Area 3 at Skallingen.

Financial and technical means available

16. The necessary mine clearance in this area will be conducted by a civilian contractor. A contractor will be identified in a tender process similar to the tender process of Area 1 and 2. At the present stage, it is not possible to detail personnel or equipment resources needed for Area 3. The Danish Coastal Authority will provide the task description and release criteria in a tender, and contractors must, in their proposals, account for their ability to conduct the job, including the necessary personnel and equipment. The time schedule is, furthermore, dependent on the procedure for achieving acceptance from the environmental authorities. One of the key issues is whether Area 3 will need an EIA (Environmental Impact Assessment). A separate permission from the environmental authorities might be needed for the technical survey.

17. The Danish Government will cover the costs of clearance operations. At the moment, 2.4 million DKK are allocated for the technical survey of Area 3. However, the allocation of funds awaits the outline of a time schedule and a release plan, which will be based on the further investigation of the remaining area, the conditions of the mines and the environmental factors in the area.

Environmental implications

18. The salt meadows still show signs and scars of the mine clearance carried out in the 1940s. These salt meadows are among the finest salt meadows of the Waddensee today, and it does not

seem possible to carry out mine clearance without more or less destroying them. Thus environmentalists are urging a solution that would see the fulfilment of the obligations under the Convention having the minimum impact on the very unique environment at the southern part of Skallingen due to the area's status as a nature reserve.

19. Additionally, since a new fence was erected in 2005, domestic animals have not grazed in the area, while cows and sheep always grazed in the area until 2005. The lack of grazing is changing the vegetation in a detrimental way, because the salt meadows and dunes area is experiencing overgrowth of high and lush plants unsuitable for the rare birds, which are the reason for international designation of the area as a nature protection area.
