

Analysis of the request submitted by Denmark for an extension of the deadline for completing the destruction of anti-personnel mines in accordance with Article 5 of the Convention

Submitted by the President of the Eighth Meeting of the States Parties on behalf of the States Parties mandated to analyse requests for extensions

21 October 2008

1. Denmark ratified the Convention on 8 June 1998. The Convention entered into force for Denmark on 1 March 1999. In its initial transparency report submitted on 27 August 1999, Denmark reported areas under its jurisdiction or control containing, or suspected to contain, anti-personnel mines. Denmark is obliged to destroy or ensure the destruction of all anti-personnel mines in mined areas under its jurisdiction or control by 1 March 2009. Denmark, believing that it will be unable to do so by that date submitted on 27 March 2008 to the President of the Eighth Meeting of the States Parties (8MSP) a request for an extension of its deadline. On 14 April 2008, the President of the 8MSP wrote to Denmark asking for further information on a number of points contained in the request. Denmark provided a response and subsequently, on 28 August 2008, Denmark submitted to the 8MSP President a revised request for extension incorporating additional information provided in response to the President's questions. Denmark requests a 22 month extension, until 1 January 2011.
2. The request indicates that 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. 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. The remaining suspected mined area was divided into three sub-areas. The request further indicates that prior to the commencement of the clearance project, 2,950,000 square metres were identified as suspect.
3. The request indicates that of the 2,950,000 square metres of suspected mined area, 1,090,000 square metres were released following an initial survey. The actual area requiring clearance at entry into force was therefore 1,860,000 square metres, divided as follows: 185,000 square metres in Area 1, 475,000 square metres in Area 2, and 1,200,000 square metres in Area 3. The request further indicates that Areas 1 and 2 were cleared, with Area 1 released in 2006 and Area 2 released in April 2008. Area 3 remains to be addressed during the period covered by the extension. The request also indicates that the entire area has been fenced to ensure the effective exclusion of civilians and domestic animals.
4. As noted, Denmark's request is for 22 months, until 1 January 2011. The request indicates that, during this period, Denmark will gather the necessary data and undertake the necessary consultations in order to develop a plan to complete the destruction of all anti-personnel mines in the remaining suspected area. The request further indicates that Denmark will submit an additional request in June 2010, to be considered at the Tenth Meeting of the States Parties (10MSP), which will include a final time schedule and a complete release plan based on facts and data from the technical survey. The duration of the second request is currently unknown because it depends on the results of the activities

taking place during the first extension period. The States Parties mandated to analyse requests submitted under Article 5 of the Convention (hereafter referred to as the “analysing group”) noted the importance of Denmark requesting only the period of time necessary to assess relevant facts and develop a meaningful forward looking plan based on these facts.

5. The request indicates the following as impeding circumstances: (a) Skallingen is protected by international directives and Conventions due to its environmental value and any activity which may disturb or deteriorate its high natural qualities, including demining, must proceed in accordance with these regulations; and, (b) Existing information with respect to Area 3 is insufficient to confirm the extent to which the area contains mines, particularly given that mines were laid in random distribution, that the environment – consisting of dunes, beach and marsh habitat – is very dynamic, and, that ground levels fluctuate, shifting the location and depths of mines. Moreover, the condition of the mines is also unknown. The analysing group noted that, while the request indicated additional “impeding circumstances,” these pertained to circumstances that may impede implementation in the future rather than circumstances that have impeded implementation to date.
6. The 8MSP President had asked Denmark for any information about the work conducted prior to the end of 2005. Denmark responded by indicating that 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 and that, therefore, there is little information prior to this point in time to offer. The analysing group noted that presumably the delay in proceeding with implementation as soon as possible after entry into force hampered Denmark in fulfilling its obligations under Article 5 of the Convention by its deadline.
7. As noted, the request indicates that Denmark is not in a position to provide annual projections of mined area to be released. However, the request indicates that in the period until June 2010, the following activities will take place: (a) a technical survey, (b) an environmental impact assessment, including a public consultation exercise, (c) the description of the task to be undertaken, and (d) the definition of release criteria. The request further indicates that the timing for the release of the area in question is dependent on the acceptance from environmental authorities and will also be affected by a number of restrictions, including a ban on vehicles and the use of explosives in the southern part of the area of operations from 1 April to 1 August to avoid disturbance of colonies of protected birds. The request also indicates that besides reducing the working year to 8 months, one to two months yearly stand-down can be expected due to weather conditions. The analysing group noted that, while taking into account all these considerations, environmental factors should not ultimately prevent fulfilment of Article 5 obligations as soon as possible.
8. The request indicates that Denmark has used metal detection with various deep search instruments and clearance by point target excavation and/or sifting. All explosive items were destroyed as they were found or collected and destroyed in a central demolition site at Skallingen. Demining and quality management were undertaken in accordance with the International Mine Action Standards (IMAS). The request contains no information on methods to be used to render Area 3 no longer dangerous for reasons previously explained but the request indicates that prior to future clearance of Area 3, standards will

be reviewed so that they address the situation in the new area of operation while remaining IMAS compliant.

9. The request indicates that Denmark contributed 86 million DKK (approximately US\$ 14.325 million) in 2005 and a further 32 million DKK (approximately US\$ 5.381 million) in 2006 to clear Areas 1 and 2. The request further indicates that 2.4 million DKK (US\$ 455,226) have already been allocated to the technical survey of Area 3. In addition, the request indicates that the remaining work will also be entirely funded by the State budget and the allocation of funds awaits the outline of a time schedule for reasons mentioned in paragraph 8.
10. The request indicates that the social and economic impact of the remaining minefield in Skallingen is insignificant and that no accidents associated with mines have been reported since 1946. The request further indicates that, although the presence of mines restricts human access to the area by land and by sea and limits the movement of tourists and hunters, the economic impact on the local community is negligible.
11. The analysing group noted that while it may be unfortunate that after almost ten years since entry into force a State Party is unable to specify how remaining work will be carried out, it is positive that Denmark will, within the extension period of 22 months, garner an understanding of the true remaining extent of the challenge and develop plans accordingly that precisely project the amount of time that will be required to complete Article 5 implementation. The analysing group further noted that by requesting a 22 month extension, Denmark was projecting that it would need approximately two years from the date of submission of its request to obtain such clarity regarding the remaining challenge, produce a detailed plan and submit a second extension request.
12. The analysing group highlighted the commitment made by Denmark to ensure that all relevant information is made available to the States Parties at the earliest possible date and noted that both Denmark and all States Parties could benefit if Denmark provided updates on progress made in obtaining clarity regarding the remaining challenge and in producing a detailed plan at meetings of the Standing Committees, at the Second Review Conference and at Meetings of the States Parties.