

Notes for ICRC intervention

Standing Committee on clearance, comments on the analysis process of extension requests

4 June 2008

The success of the Mine Ban Convention will be judged by history on the basis of our capacity to manage clearance deadlines in a way which maintains the credibility of the convention and creates maximum pressure for completion within a realistic, well planned and adequately funded extension period.

During the negotiations of the convention, it was recognised that certain States might not be able to clear all mined areas under their jurisdiction or control in 10 years and for this reason, an extension could be requested from and voted on by the States Parties. It was thought that this option will be needed for a few states which suffered from a widespread contamination, which it was understood would require more than 10 years to clear.

In our view, the fact that nearly all States with deadlines in 2009 have (now 14 out of 18) or will request extensions is very regrettable and sets a bad precedent for the otherwise highly successful Convention. Your work here and at the 9th MSP in November must send the message that extensions of article 5 deadlines should not become a routine matter and that far greater efforts need to be made to respect article 5 deadlines.

In mine affected communities, the sense of urgency of the 1990's is still present and the humanitarian risks caused by the failure to meet the original deadline are a constant reality. Even if most current extension requests state that they will have a very low humanitarian impact, every day during which the Convention's deadline is not met is a day in which civilians are put at risk..

Based on the considerations above, we believe that extension periods **should only be granted for the minimum period necessary** to carry out a well prepared and financially viable clearance plan. First and foremost, the analysis of these extension requests should identify the various problems that the states parties have encountered in meeting their commitments under the Convention and make sure that these are adequately addressed in the clearance plans contained in the extension requests. Every state party reviewing these requests should also make an assessment as to whether the time requested really reflects the absolute minimum time necessary to clear the remaining minefields.

In assessing whether the length of extension requests are adequate or realistic, **past performance** of the requesting states over the last ten years should also be taken into account when assessing the likelihood of meeting the extension requests. In some instances, previous article 7 reports are useful references as some states parties indicated that clearance could be done more quickly than what is now in the actual extension request.

We strongly believe that careful scrutiny should be given to any requests which involve the maintenance of AP mines along borders or around military installations, as this may constitute *de facto* use of AP mines.

Furthermore, we believe that, even though requesting states find themselves in different positions and may be are facing distinct problems of access or different types of terrain, it is still useful to use, as a reference point, various factors applicable to all requesting States and put them in perspective, such as the remaining task, the length of time requested and the budget

planned. A critical assessment of extension requests in our view requires a **comparative approach**, if it is to be seen as objective and credible.

Finally, we note that the great majority of these extension requests do not mention whether or not **external funding** has been secured in order to carry out their clearance plans. In many cases, external funding has probably not been secured and the completion of clearance will depend on the likelihood of getting such funding. Extension requests should also be an opportunity for donors to prioritize their funding, firstly in places where the humanitarian impact is high, and secondly also in countries with a relatively small amount of contaminated land to clear and which have viable and detailed clearance plans.

We welcome the work of the analysing group in the last few months and are particularly glad that expert input, not only from the ICBL and ICRC, but also from UNDP and the GICHD, was invited by the analysing group. As HRH Prince Mired did this morning, we would urge all States charged with contributing to the work of the analysing group and which have not been very active to become fully engaged in this important work. We hope that the very constructive dialogue that the President and the analysing group have started with the requesting States will in some cases lead the requesting states to amend their extension request before November this year. We also hope that a number of **requesting States Parties will choose to shorten the length of their extension request.**

We urge all delegations to become engaged in their own analysis of these requests, to benefit from the reports which will be provided by the analysis group in September as well as the valuable critiques of these requests done by the ICBL. The effectiveness and credibility of the process requires that all states parties take an informed decision at the 9th meeting of States Parties, participate fully in the debate and support the decisions on whether or not to grant an extension of time.

We thank you Mr. Co- Chair