Letter to the Editor

Tamar Gabelnick
International Campaign to Ban Landmines

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Letter to the Editor

As an independent journal, we provide topics that stimulate conversations. We give the mine-action community a place to sound off. Every issue brings us rants and raves, usually more raves than rants. We are sharing one of them here.

I was dismayed to read Dennis Barlow’s editorial “Amending the Ottawa Convention: A Way Forward,” in the Winter 2009 edition of The Journal of ERW and Mine Action. The idea of weakening one of the core provisions of this highly effective treaty should raise alarm bells throughout the mine-action community. The treaty as it stands provides the best protection for civilians living in mine-affected countries without placing an undue burden on their governments.

Barlow argues that in order to meet their treaty obligations, States Parties must become “mine free” by removing “every last landmine.” This is simply not true. As is clear from the treaty text, “mine free” is not the legal requirement. States must clear all anti-personnel mines only in known or suspected mined areas, not search every square meter of land to find the last AP [anti-personnel] mine. It is feasible to clear, or otherwise release, all identified mined areas; indeed, 15 States Parties have done so, and several more are well on their way.

In addition, Barlow seeks to frame the “mine safe” argument in humanitarian terms—that clearing land near populated areas is enough to fulfill the purposes of the treaty. That might be an appealing argument for those of us coming from a non-affected donor state, but what does “mine safe” or “impact free” really mean? Populations move over time, and mines can move under certain geographic or climatic conditions. How can a country be considered truly safe when mined areas remain? Even in the Falkland/Malvinas Islands, there have been a number of occasions where people wandered into mined areas, escaping tragedy through luck alone.

Moreover, the treaty also has disarmament goals that are relevant for Article 5. Keeping mines along a border or around a military base is effectively making use of those mines. They must therefore be removed or the state will be in noncompliance not only with its demining obligation, but also with the ban on use.

The Mine Ban Treaty’s success to date is due in part to its clear and unequivocal language. Respecting the provisions of Article 5 is time-consuming and expensive, but states have a right to aid, and if necessary, a deadline extension to ease the burden. So why introduce a loophole now? What is needed is not different language—and certainly not weaker language—but rather sustained efforts to increase resources, efficiency and political commitment so that the job can be done “as soon as possible,” as the treaty requires.

~Tamar Gabelnick, ICBL
Treaty Implementation Director

Editor’s note: Ottawa Convention Article 5.1 states, "Each State Party undertakes to destroy or ensure the destruction of all anti-personnel mines in mined areas under its jurisdiction or control, as soon as possible but not later than ten years after the entry into force of this Convention for that State Party." Article 5.2 states, "Each State Party shall make every effort to identify all areas under its jurisdiction or control in which anti-personnel mines are known or suspected to be emplaced and shall ensure as soon as possible that all anti-personnel mines in mined areas under its 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." For the full text of the Ottawa Convention, visit it http://www.icbl.org/treaty/text/english.

We Want to Hear from You

The staff of The Journal of ERW and Mine Action is very interested in you, our subscribers, and what you think about our publication. We want to serve you better. We especially would like to learn what our subscribers like and dislike about The Journal.

We have therefore created a short survey—21 multiple-choice and short-answer questions—to poll our readership on several topics. Your feedback will help us improve The Journal to provide information that is important and interesting to you. We believe it will take you 15 minutes or less to complete the survey.

If you have not already taken it electronically, please fill out the survey on the next few pages or take it online at http://maic.jmu.edu. Unless otherwise noted, please choose only one answer per question.

If you are taking the survey using the hard copy, when you have completed it, please mail it or fax it to us before 1 October 2010 (see contact details at the end of the survey). We thank you in advance for your feedback.

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