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Special Report: The Looming Ottawa Deadlines

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The Looming Ottawa Deadlines

Under Article 5 of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, States Parties are bound by a 10-year mine-clearance deadline. As the first clearance deadlines approach in March 2009, it is evident that several countries will not be able to meet their Ottawa-imposed deadlines.

by Kateland Shane [Mine Action Information Center]

Off the coast of Argentina lies the United Kingdom-controlled territory of the Falkland/Malvinas Islands. These beautiful islands are a popular tourist destination and home to many rare species of wildlife. While they may appear peaceful, a 1982 conflict between the United Kingdom and Argentina over the territory has left the islands contaminated with unexploded ordnance, booby traps and landmines. In fact, the British government estimates 101–120 mine-unexploded ordnance, booby traps and landmines. In conflict between the United Kingdom and Argentinacies of wildlife. While they may appear peaceful, a 1982

**Extension Process**

Article 5.3 states that each extension request must include:

- “the duration of the proposed extension”
- “a detailed explanation of the reasons for the proposed extension”
- “any other information relevant to the request for the proposed extension”

After a State Party submits a request for extension, either the Review Conference or the Meeting of the States Parties will determine by majority vote whether to grant the extension. Parties are encouraged to submit extension requests no later than nine months before the Review Conference or Meeting of the States Parties at which the decision for extension is made. Since the 1999 Meeting of the States Parties was held in November 2008, this request should have been made in late February 2008 for those with 2009 deadlines. Parties were asked to also submit their national demining plans and a two-to-five-page executive summary with the request. Parties that miss clearance deadlines will be in violation of the Convention until they submit an extension request.

**Extension Requests**

For States Parties who have submitted deadline extension requests are Bosnia and Herzegovina, Chad, Croatia, Denmark, Ecuador, Jordan, Mongolia, Nicaragua, Peru, Senegal, Thailand, United Kingdom, Venezuela, Yemen and Zimbabwe. 

After the extension request is made, the Review Conference or Meeting of the States Parties will meet to review the request. The conference will have 10 years to meet and consider the request. If the conference approves the extension request, the States Party may request additional time to finish mine clearance.

States Parties have cited various reasons for missing deadlines, including inadequate financial and human resources, slow or nonexistent funding in border communities. Last year, the Landmine Monitor reported that Thailand had cleared less than 1 percent of the mine-contaminated area identified during its 2001 Landmine Impact Survey. As of September 2008, through new survey work, Thailand estimates that there are really only 527 square kilometers (98 square miles) that remain contaminated. Thailand is requesting a mine and a half-year extension to its 2009 deadline, during which time the Thailand Mine Action Center plans to cooperate with local rongovernmental organizations on landmine clearance. Dominica expects to meet its deadline in November 2009.

Some countries that have submitted extension requests are heavily affected by landmines that threaten their humanitarian, environmental and socioeconomic livelihoods. For Bosnia and Herzegovina, Croatia, Spain and Yemen, the presence of landmines limits economic development and affects the ability to conduct long-term economic development and for oil production. Only 2.6 percent of the land in Yemen is arable and the presence of landmines limits the amount of tillable land. Yemen has applied for a deadline extension of six years. The deadline extension request identifies financial constraints and lack of funding as the primary reasons for missing the 2009 deadline. The Yemen Mine Action Centre predicts that Yemen will be mine-free by September 2014.

The United Kingdom. The only mined areas under the control or jurisdiction of the United Kingdom are in the Falkland/Malvinas Islands. While all mined areas are cleared and marked and fenced, the United Kingdom has not started clearance operations. In 2007, the United Kingdom presented a revised plan that would render the Falkland Islands mine-free by 2019. This plan is based on the United Kingdom’s belief that it has cleared all mine-contaminated areas through the process of clearing the islands. In 2007, the United Kingdom presented a revised plan that would render the Falkland Islands mine-free by 2019. This plan is based on the United Kingdom’s belief that it has cleared all mine-contaminated areas through the process of clearing the islands.

The United Kingdom will have to meet its obligations under Article 5.3 of the Ottawa Convention concerning the "destruction of anti-personnel mines in mined areas." The three main obligations of States Parties under Article 5 are to:

1. "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 the Convention."
2. "identify all areas under its jurisdiction or control in which anti-personnel mines are known or suspected to be employed."
3. "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 have been cleared.

Paragraph 1 of Article 5 sets forth the 10-year deadline for States Parties to complete destruction of all AP mines under their jurisdiction or control. In June 2008, Uganda announced it would meet its deadline and Niger said it would not mine-afflicted area has not been cleared. This country is affected by mines and other explosive remnants of war as a result of several conflicts during 1962–69, 1970–83 and 1994. A survey in July 2000 identified a total of 1,189 mine areas. As of August 2008, Yemen still has 447 mined areas. Landmines in Yemen have killed and injured thousands, and block access to land used for agriculture, economic development and for oil production. Only 2.6 percent of the land in Yemen is arable and the presence of landmines limits the amount of tillable land. Yemen has applied for a deadline extension of six years. The deadline extension request identifies financial constraints and lack of funding as the primary reasons for missing the 2009 deadline. The Yemen Mine Action Centre predicts that Yemen will be mine-free by September 2014.

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resources used to clear their land, since the mined areas were fenced off and did not pose a threat to human life.16 According to an article by the Falkland Islands News Network in 2008, however, it was wrongly reported previously that the inhabitants were against demining because they didn’t want lots of strangers on the Islands while demining was being done.17 [few] people would object to the presence if they get a large number of people to come to help with demining.”18 The United Kingdom reported in a Danish report that the remote area has been fenced and no mine-related casualties have been recorded since 1946. In its deadline-extension request, Denmark claims that the delicate nature of the environment of Skallingen has prevented it from moving forward with clearance operations. Denmark states that clearance operations would risk “irreparable damage” to the environment without careful planning.20

Venezuela. Although it became party to the Ottawa Convention in 1999, according to the Landmine Monitor, Venezuela is still using AP mines and expects to miss its 2019 deadline. In 2007, Venezuela stated that it continues to employ AP mines to protect its rural areas from Colombian insurgents. Only a small amount of mine contamination remains, but Venezuela submitted a deadline extension request.21

Looking Ahead

The Ottawa Convention has certainly been a powerful force for mine action in the international community. Since the entry into force of the Convention, production of anti-personnel mines has diminished and the trade of AP mines is almost non-existent. Millions of mines have been destroyed, and hundreds of square kilometers of land have been freed of landmine contamination. Indeed, the Ottawa Convention has been called a “success in progress,”4 and 136 states have become parties to it, pledging to never use, produce, transfer, develop, or stockpile anti-personnel mines.9 The Convention has been successful, but it risks losing its efficacy because it appears that States Parties are not taking their obligations seriously enough, whether or not that may be the case.22

Tamar Gabelnick of the ICBL believes that some countries need to reaffirm their approach to their Article 5 obligations. “For some countries, there needs to be a much greater effort on the part of the national authorities to prioritize clearance and work more efficiently.”10 Theresa Prouty, ICBL’s policy coordinator, sees the ICBL in the role of providing “a steady stream of challenges, where there is a will, there is a way.”11 She recommends that these parties make more of an effort to mobilize resources to get the work done as soon as possible. Other parties do not have accurate estimates of the contamination level. According to the ICBL, such parties should conduct Technical and Non-Technical Surveys first to determine the scope of the problem. Committee members agree that the States Parties should be given to clear mine contaminated areas, or indeed other States Parties must assess and vote requesting more time would have to provide a detailed rationale as to why this is so, whether there is a clear and no loopholes.” The result was a treaty that was remarkably simple and straightforward, including with regards to mine clearance. Under Article 5, mine-affected States Parties have a clear duty to destroy all anti-personnel mines in mined areas as soon as possible, but no later than 10 years after joining the treaty. The link between the treaty’s humanitarian and disarmament objectives is equally clear; the sooner the mines are taken out of the ground and destroyed, the sooner people can farm the land, use grazing pastures, gather wood, walk to markets and schools, and engage in countless other economic activities safely again. The longer it takes to clear mine areas along borders or around security installations, the longer a State Party may be continuing to make military or strategic use of the mines. Despite the urging to remove emplaced mines for humanitarian and/or disarmament purposes, there is a possibility of requesting one or more extensions to the 10-year deadline. Mine-affected states that become parties to the treaty in the future are granted a minimum of 10 years to complete their mine-clearance deadlines in 2009, and those that do not expect to finish on time would not be required to request an extension at the 5th Meeting of the States Parties in November 2008. Fifteen countries, or about two-thirds of the original group of 2009 deadlines, did seek such extensions.23 The extension-request process has been made more transparent since 2008 as States Parties and other interested actors grappled with how to handle the requests in a way that would respect the intent of the treaty and set the best possible precedent for future requests.

The History of the Extension-request Process

The extension-request story does not begin with the 2008 meeting, however, but rather in 1997, when the Ottawa Convention was drafted. During the negotiations, states, the ICBL, the International Committee of the Red Cross and other participants discussed at length the question of how many years States Parties should be given to clear mine contaminated areas, or indeed whether there should be a deadline at all. It was eventually recognized that without the impetus of a legally binding deadline, the clearance work could drag on indefinitely, which would not be in keeping with the convention’s intent. At the same time, states understood that in some cases—because of the sheer quantity of mined areas or other extraordinary circumstances—certain mine-affected states would need

The Article 5 Extension Request Process

The International Campaign to Ban Landmines was very specific in saying that there were to be no exceptions to the 10-year deadline placed in the Ottawa Convention. However, with the Convention’s first mine-clearance deadline approaching in 2009, at least 15 countries have found they may have bitten off more than they can chew. Or have they? by Tamar Gabelnick [International Campaign to Ban Landmines]