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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 May 2009, it is evident that several countries will not be able to meet their Ottawa-imposed deadlines.

O
ing 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 spe- cies 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 121–126 mines are within this territory.3

The mines do not pose an immediate threat—fields are marked and fenced, and there have been no human casualties since 1982—but the United King- dom is a State Party to the Ottawa Convention. It is therefore bound by Article 5 of the Convention to de- stroy all anti-personnel mines under its jurisdiction or control by 1 March 2009. Although its deadline is 2009, the United Kingdom has not begun formal clearance operations; moreover, it has not even devel- oped a plan for clearance.4

The United Kingdom is not alone in its lack of com- pliance. According to the International Campaign to Ban Landmines, 18 States Parties5 with deadlines in 2009 identified and marked their Article 5 obligation. Fifteen of these countries—including Bosnia-Herzegovina, Chad, Croatia, Mozambique, Peru, Senegal, Thailand, United Kingdom, Venezuela, Yemen and Zimbabwe—will not be able to complete their obligations by the 2009 clearance deadline and have submitted a request for more time.6

Under Article 5, States Parties that cannot meet their obliga- tions have the option to apply for an extension. Even if granted an extension, a State Party will still need to demonstrate that they are making a serious effort to meet their obligations by 2018.7

With the first deadlines fast approaching, 15 States Parties8 with 2009 deadlines still have obligations under Article 5 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.9

2. "identify all areas under its jurisdiction or control in which anti-personnel mines are known or suspected to be emplaced.10

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 or already in have been destroyed.11

Paraphrase of Article 5 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 an extension, either the Review Conference or the Meeting of the States Parties will determine by majority vote whether to grant the extension. Par- ties 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 1998 Meeting of the States Parties was held in November 2008, this request should be 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.12 Parties that miss clearance dead- lines will be in violation of the Convention until they submit an extension request.13

Extension Requests
Several States Parties have submitted deadline extension requests. Bosnia and Herzegovina, Chad, Croatia, Denmark, Ecuador, Jordan, Mozambique, Nicaragua, Peru, Senegal, Thailand, United Kingdom, Venezuela, Yemen and Zimbabwe.14

Prior to the 2008 Ottawa Convention’s Implementation Support Unit, located at the Geneva International Centre for Humanitarian Demining, reported that “the only State Party with a deadline in 2009 that has not yet either submitted an extension request or completed clearance is, as expected, the United Kingdom.”15

Parties have cited various reasons for missing deadlines, in- cluding environmental challenges; however, other States Parties, such as the United Kingdom and Denmark, did not start clearance opera- tions until 2007 or 2008. A 2006 ICBL report states that “delay in setting up mine action centers, developing strategies and plans, mobilizing resources and engaging in clearance were responsible for many deadlines being missed.”16

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, the United Kingdom and Yemen, land- mines and anti-personnel mines are a major problem, one that will probably not be solved for another five to 10 years. Other States Parties that have applied for deadline extensions do not have exten- sive mine problems and should have finished clearance already. Countries such as the United Kingdom (Falkland/Malvinas Islands), Denmark and Venezuela have manageable landmine problems but still apply for extensions.

Some countries that have been affected by landmines are:

- Bosnia and Herzegovina. The mine contamination in Bosnia and Herzegovina originated from the 1992–95 conflict due to the breakup of the former Republic of Yugoslavia.17 As a result of conflict, Bosnia is one of the most mine-affected countries in the world.18

- Croatia. Croatia also suffered a widespread mine problem from conflicts that occurred during the breakup of Yugoslavia. Although Croatia has identified and marked all suspected or known mined areas under its jurisdiction or control, mines and UXO still affect 12 of 21 counties, inhibiting socioeconomic de- velopment. Croatia has a national demining plan to complete the 10 years to its 1 March 2009 deadline. In the report, Croatia lists several reasons for its request, including environmental chal- lenges, inaccurate and incomplete minefield records and a UXO problem that also needs immediate attention. The remaining total mine suspected area in Croatia is 975 square kilometers (385 square miles). Croatia has presented a new plan in which it will gradually increase its capacity and clear the remaining suspected areas by 2019.19

- Thailand. The mine contamination in Thailand lies mostly 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.20 As of September 2008, through new survey work, Thailand estimates that there are really only 527 square kilometers (89 square miles) that remain contaminated.21 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 organi- zations on mine clearance.22

- Yemen. This country is affected by mines and other explosive remnants of war as a result of several conflicts during 1962–69, 1970–86, and 1990–2007. A survey in July 2007 identified 1,078 mine areas.23 As of April 2008, Yemen still has 447 mined areas. Land- mines in Yemen have killed and injured thousands, and block ac- cess to land used for agriculture and development and for oil production. Only 2.6 percent of the land in Yemen is arable and the peace process has reduced the amount of tillable land. Yemen has applied for a deadline extension of six years. The deadline extension request identifies financial problems and the need for more time as the main reasons for missing the 2009 deadline. The Yemen Mine Ac- tion Centre predicts that Yemen will be mine-free by Septem- ber 2014.24

The United Kingdom. The only mined areas under the control of the United Kingdom are in the Falkland/ Malvinas Islands. While all mined areas are marked and fenced, the United Kingdom has not started clearance operations. The country is off the Interim list of the “countries of potential concern,” which means that it does not need to conduct a mine clearance feasibility study of the islands. The study confirmed that there were no environmental or climatic challenges to demining.25 In 2005, the United Kingdom also encountered strong resistance among the inhabitants of the islands to conducting clearance operations. Islanders told the Guardian that they did not want precious funds and demining...
resources used to clear that land, since the mined areas were fenced off and did not pose a threat to human life. 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 strange- ers on the islands while demining was being done.20 “If you want people to be positive [effect on the economy if a large number of people came to help with demining].” The United Kingdom authorities in Denmark reported 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 at Skallingen has prevented it from moving forward with clearance operations. 

Denmark suggests that clearance operations would risk “irreparable damage” to the environment without careful planning.21 Venezuala. 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 2009 deadline. In 2007, Venezuela stated that it continues to employ AP mines to protect its naval bases from Colombian insurgents. Only a small amount of mine contamination remains, but Venezuela submitted a deadline-extension request.22

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 decreased 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,” and 156 states have become parties to it, pledging to never use, produce, transfer or stockpile anti-personnel mines.22

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.

Tamar Gabelnick of the ICBL believes that some countries need to rethink their approach to their own 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.” She notes that “clearing landmines is always challenging, where there is a will, there is a way.”23 She recommends that those parties must 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. Country will then be able to develop national mine action strategies better after assessing the situation.24

The ICBL notes that all States Parties that apply for extensions will receive them. The decision for each State Party that requested an extension was made during the 9th Meeting of the States Parties in November 2008. Whether or not these countries were granted an extension, the 15 States Parties that have applied still face serious mine problems and financial costs of the remaining landmines are great.

Not all States Parties with 2009 deadlines will fail to complete clearance on time. Uruguay, Bulgaria, Costa Rica, France, Djibouti, FYR Macedonia, Guatemala, Honduras, Malawi, Suriname and Suriname have already fulfilled Article 5 clearance obligations.25 Deadline extension request notwithstanding, the Ottawa Convention’s Implementation Support Unit reports that two of the 16 remaining parties with 2009 deadlines will most likely finish clearance within the specified time: Niger and Uganda.26 The countries that have completed their obligations demonstrate to the world that it is possible to achieve mine-free within the allotted 10-year period.27

Endnotes
1. See Endnotes, page 112

The article was researched and written prior to IFOR. The Journal has featured where the potential to publish in which states, the ICBL, during the negotiations, states, the ICBL, the International Committee of the Red Cross and other parties discussed at length the question of how many years States Parties should be given to clear mined 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 more than 10 years to clear their land. The original proposed text, put forward by the ICRC, was that the extension should be “the minimum necessary, but in no case shall the extension exceed the deadline.” Ultimately, the text was changed to allow for up to an additional 10 years, which would be renewable. States Parties requesting more time would have to provide a detailed rationale for the extension, and other States Parties must vote and vote on the request. The understanding remained, however, that such extensions should be the exception, not the rule. The extension issue was then put aside for many years while States Parties focused on how to complete mine-clearance.