

ICBL intervention on Art.5
19th Meeting of States Parties to the Mine Ban Treaty, 15-19 November 2021

Mr. President, Article 5 Committee, all States Parties and Partners,

As we have said previously on numerous occasions, the ICBL remains highly disturbed by the state of implementation of Art. 5, in particular the prolonged, repeated and extensive delays in clearance by many States Parties, and the lack of compliance with past decisions on extension requests and with the Oslo Action Plan commitments.

We were very pleased to hear a number of delegations raising and speaking up on these concerns today, in particular Austria, Ireland, Norway and Switzerland. At the same time, we were disturbed to hear some saying it was a concern of affected countries only. This is a concern of ALL of us – and all States Parties and partners need to continue working in partnership and to adapt, change, be creative and innovative to address these great challenges. This has always been the spirit of this treaty and community and please do not let it change.

We fully recognize the challenges, and as the Dutch Minister said on Monday: if it was easy, we would have probably already done it.

Delays in clearance result in ongoing human suffering and the devastation of human lives. In 2020 alone the Landmine Monitor reported over 7000 casualties globally, with about half recorded in States Parties to this treaty.

We believe that the integrity of the treaty is in jeopardy and urgent action is required at this 19MSP by all States Parties to address these serious concerns and to put the implementation of Article 5 back on track.

22 years since the treaty's entry into force at least 60 states and other areas remain contaminated by antipersonnel mines. This includes 33 States Parties that have declared clearance obligations under Article 5, and at least 2 others that should declare obligations. While the Landmine Monitor recorded progress in clearance in a number of affected countries in 2020, with Cambodia and Croatia clearing the largest areas, five states - Cyprus, Ecuador, Mauritania, Peru and Senegal reported **no** clearance in their Article 7 reports, and several others – Cameroon, Eritrea, Mali, Niger, Nigeria and Guinea-Bissau - provided no updates on progress.

We are further alarmed, that four years away from the Third Review Conference's aspirational completion goal of 2025, only a handful of states seem to be on track to meet their current deadlines on or before 2025.

A number of States Parties, including those with a significant number of casualties, have conducted little to no clearance for a prolonged period of time, namely Niger, Senegal and Eritrea. Eritrea remains in violation of the treaty. Cameroon, DRC, Eritrea, Mali, Niger, and Nigeria have failed to provide updates through Article 7 reporting on the implementation of their clearance obligations for at least two consecutive years; one has not reported for sixteen consecutive years.

All these cases fall under the Oslo Action Plan's 'early warning mechanism' (Action #49) and require concerted action by the President and the Committee on Cooperative Compliance.

An alarmingly high number of States Parties have failed to respect their obligation to clear land “*as soon as possible.*” Despite improvements in survey and clearance techniques over the past twenty years, a majority of affected States Parties, including those with small to medium amounts of contamination, continue to miss their Art. 5 deadlines and request further extensions.

On average, States Parties with small contamination have been accorded the same amount of time to clear land as has been given to those where contamination is considered massive or large and yet few are on track to fulfill their Article 5 obligations.

Over the past 14 years, some 40 States Parties requested close to 90 extensions, and have been collectively granted hundreds of years (close to 300 years) to fulfill their obligations. Something that was meant to be an exception - for those with massive contamination and /or access challenges - has become a norm.

Many of extension requests submitted to date fail to include essential elements such as detailed and costed workplan, as required by the Oslo Action Plan’s Action #23. Granting extensions based on incomplete requests disrespects States Parties’ commitments from the Plan and contributes to prolonged and repeated delays in the implementation of Article 5.

Missing Art. 5 clearance deadlines and the ritual of further extensions have become business as usual.

If current trends continue, many States Parties that could do so - will not have completed their clearance for many more years or even decades to come. This would undermine the credibility of the treaty and its very purpose “*to put an end to the suffering and casualties caused by antipersonnel mines.*”

We sincerely recognize the intensive work undertaken by the Art.5 Committee and the ISU over the past 14 years including on the extension process. However, challenges persist and results are far from satisfactory. We must not continue as we have. It is time to rethink and re-adjust this collective effort.

Therefore, we fully support the proposal made by Austria today and we ask all who want to see change on Art. 5 to support these two specific recommendations as the first important steps in this direction – namely:

- First, to re-establish a broader analysis group, inclusive of a variety of expert and civil society organizations, as well as members of the Cooperation and Assistance Committee, to support the work of the Art. 5 Committee in regard to analysis of extension requests, and to help ensure that the detailed, multi-year, costed clearance and MRE plans called for in the Oslo Action Plan are actually supported by donors and fully funded;
- Secondly, to mandate an independent, inclusive and transparent review of the extension request preparation, analysis, recommendation and granting process, with concrete recommendations to be presented to the 20MSP, aimed at aligning the process closer with the spirit of the treaty, and specific commitments from the Oslo Action Plan, in order to accelerate progress and completion of Art. 5. It has been 10 years since the extension process was reflected upon and adjusted in light of experience gained in previous years.

We’ve heard today that the process doesn’t need to be reviewed or changed along the lines we suggest. However this is surprising given that those expressing this view are also parties to the

Convention on Cluster Munitions, many in leadership roles, where an open and inclusive analysis of extension requests are such standard practice, and producing tangible results. It would be useful to understand why they believe that this approach is acceptable in one convention to which they are party but not within this convention. It is also difficult to understand why States Parties would not like a genuine inclusion of expert and civil society in the work of the treaty.

We are fully committed to continue working hard this week, and until the job is done, with all who want to see a meaningful change on Art. 5 and a mine-free world in our lifetime.

Let us act upon the inspiring words said by the Dutch Minister on Monday: to not be cautious of setting the bar high.

Thank you.