

ICBL Comments on Germany's Article 5 Extension Request May 2013

Germany is requesting an extended deadline under the "rational response" for contamination discovered after the expiry of the Article 5 deadline
Extension period requested: **until 31 December 2015**

Key Issues

1. Given the small size of contamination, Germany is requesting what is proportionally the longest deadline extension ever sought under the Mine Ban Treaty.
2. Germany should consider revising its plan to complete clearance in a shorter period of time.

General Observations

Past Progress

At the June 2011 Intersessional Meeting of the Standing Committee on Mine Clearance, Germany announced that it suspected that a former Soviet military training facility in the former East Germany contained antipersonnel mines. Two years later, progress made includes: transfer of the ownership of the area to the Institute for Federal Real Estate, set up of a risk education programme, clearance of a network of paths to allow for survey, "historic" survey of the training area, and the initiation of technical survey.

Plans for Extension Period

As survey will finish in summer 2013, Germany is in fact seeking 2.5 years to clear approximately 10,000 m². This is proportionally the longest extension ever requested under the Mine Ban Treaty. We appreciate that Germany will need additional time to set up operations and tender the clearance work, and the fact that the non-metal mines in place will slow progress. At the same time, this rate of clearance is far slower than any other State Party, even those with relatively small mine action programs. The ICBL is therefore concerned with the message that this sends to less wealthy States Parties and/or those dealing with heavy antipersonnel mine contamination about what is an acceptable rate of productivity under Article 5. We also do not see this rate in keeping with the treaty's obligation to clear mined areas "as soon as possible."

Germany extensively refers to the need to ensure the safety of demining personnel as a reason for such a long extension, but such a constraint, although it represents a very legitimate concern, also applies to any other state where operations are conducted in a more expeditious manner. Germany also mentions the mixed contamination present in this area, but this is also a similar constraint to many other operations working at a much faster rate of productivity.

Conclusions and recommendations

The ICBL recognizes that contamination in the area has no immediate humanitarian impact and welcomes Germany's transparency in reporting the area and in providing regular updates on progress made. We also are pleased to see Germany making use of the new procedure to request an extended deadline agreed by the 12th Meeting of the States Parties. At the same time, States Parties indicated in this decision that discoveries 10 years after joining the treaty should be seen as "extraordinary" events, and as such, States Parties' request for an extended deadline under this procedure should be "as short as possible." The ICBL does not believe that Germany's request fulfils this call, nor the treaty's requirement to complete Article 5 obligations "as soon as possible." We therefore urge Germany to re-evaluate its plan with a view to completing clearance in a shorter period of time.