

## ICBL Comments on Turkey's Article 5 Extension Request

May 2013

**Article 5 deadline: 1 March 2014**

**Extension period requested: Eight years (until 1 March 2022)**

### Key Issues

- Turkey's extension request presents for the first time a detailed overview of most of the remaining mine contamination and notable national contributions to future clearance.
- Nine years after joining the Mine Ban Treaty, however, Turkey has made only marginal progress in addressing its mine contamination, and has not adequately explained why.
- It is of particular concern that Turkey has not begun clearance of areas with the greatest impact on local communities, as well as militarily strategic areas.

### Observations and Recommendations

#### *Past Progress*

Turkey has made very little progress in addressing its large-scale mine contamination since becoming a State Party in March 2004, and the extension request does not provide sufficient explanation for these delays. It appears instead that the initiation of full-scale clearance activities will only begin in 2015 – or 11 years after joining the Mine Ban Treaty. The request admits that “work on clearance of mines has begun rather belatedly,” but blames the delay simply on “bureaucratic necessities and other factors.”<sup>1</sup>

Turkey presents for the first time in its extension request an overview of the size of its known mined areas, previously reporting mainly on the number of mines. Yet the request presents different information on initial contamination than what it reported in its initial Article 7 report, and does not provide sufficient detail on past progress to account for the discrepancies. For example, the provinces of Doğubeyazıt, İskenderun and Kağızman were mentioned in the initial report as known mined areas, but are no longer mentioned in the extension request. As well, the list of areas with suspected areas differs substantially from the list provided in Turkey's initial Article 7 report.<sup>2</sup> Turkey should provide additional detail about its past work or otherwise explain the differences in reporting on affected provinces. Moreover, Turkey has apparently still not undertaken survey on internal areas where mines are suspected to be laid, so no information is yet available on the size of this contamination. Nor does Turkey have a clear picture of contamination on the Iraqi border.

Part of the delays in making substantial progress may relate to Turkey's failure to establish an appropriate institutional framework for mine action, including a national mine action authority (NMAA) and national mine action center (NMAC), though Turkey has reported since 2010 that it was preparing for their creation. The request acknowledges delays in setting up a national management structure for mine action, as well as the national mine action standards these organizations will develop, but gives no indication of why such delays have occurred, or how they will relate to the existing administrative bodies once created.

<sup>1</sup> Turkey's Article 5 Extension Request, 29 March 2013, p. A-3.

<sup>2</sup> Batman, Bingöl, Bitlis, Mardin, Tunceli, Şırnak, and Siirt were listed as areas suspected to contain mines in the initial Article 7 report, whereas Hakkâri, Şırnak, and Van are listed in the extension request (p. A-6).

In terms of survey and clearance, only a total of 1.15km<sup>2</sup> has been cleared to date out of an original estimated contamination of almost 215km<sup>2</sup>. No clearance took place for three years after acceding, and clearance has occurred in only one of the last three years. Of particular concern is the lack of progress in areas “other than borders,” which have the most impact on local communities. This includes 637 areas with mines laid by Turkish military armed forces around military installations. Turkey reports that it has conducted limited clearance of areas around military posts to enable military movement, but does not explain why it did not continue with full clearance of these areas except to say it needs to wait for the development of mine action structures. As States Parties have discussed over the years, a State Party may not delay clearance of an area in order to derive military benefit from the mined area as this would be inconsistent with Article 1’s prohibition of any use of antipersonnel mines.

The areas “other than borders” also include suspected mined areas, which have a considerable impact on local communities. The request contains no information on survey or clearance of these suspected areas, which, according to the request and Turkey’s Article 7 reports, regularly cause significant numbers of civilian and military casualties.

Regarding progress on the Syrian border, there have also been long delays and a lack of transparency in processing tenders and awarding contracts. Four years have lapsed since Turkey passed its “Law on the tender and mine clearance activities” on the Syrian border, two years have passed since it first drew up a short list of companies for the work, and a year has passed since it took selected companies to the border to conduct a survey.

#### *Plans for Extension Period*

The extension request cites the process to begin clearance on the border with Syria as the highest priority, yet the request does not indicate precisely when clearance will begin. There is also no annual timeframe, only a projected completion date of 2017 for the first phase and 2019 for the second phase. The request also notes that completion by 2019 relies on the absence of any “force-majeur,” adding that the conflict in Syria already risks delaying the beginning of clearance.<sup>3</sup>

A more detailed plan for the clearance of other border areas is provided, though again, the scope of clearance is not broken down on an annual basis, and work is only planned to begin in 2015 after another long tender process. Once en route, clearance of the border areas is subject to an ambitious timeframe, although there is no indication whether land release techniques will be used to ensure the most efficient use of resources. The ICBL is also concerned that clearance of the border with Iraq, another area of strategic value for the Turkish military, is not scheduled until 2022. Again, these plans raise questions about whether Turkey is still gaining military benefit from emplaced mines.

In addition, our information shows that areas other than borders are where the most casualties occurred in past years, so clearance should be a priority. Instead, Turkey does not plan to begin clearance of areas around military installations for at least another two years, after the NMAA and NMAC are established. In addition, once clearance is set to begin around military installations, Turkey plans to leave the “areas that will benefit the local population” for the last category of internal areas to clear.<sup>4</sup> As Turkey notes that the Turkish Armed Forces are already conducting “partial” clearance of mined areas around military installations, and given it has full knowledge of the location and number of mines, it should explain why it cannot begin full-scale clearance of these areas before 2015. The request also provides no information on how it plans to survey and clear

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<sup>3</sup> Turkey’s Article 5 Extension Request, p. A-2 and A-3.

<sup>4</sup> Turkey’s Article 5 Extension Request, p. A-17.

suspected mined areas, which it notes cause the “majority of casualties.”<sup>5</sup> **Recommendation:** Turkey should push forward the structural and administrative processes needed to make faster progress on the ground instead of waiting until 2015. It should begin with clearance of areas with the greatest impact on the local population, rather than leaving them to the end of the extension period. Plans for clearing suspected mined areas should be clarified.

Overall, Turkey notes that the eight-year timeframe in the request is only “initially estimated” and “subject to revision pending progress with tenders and clearance activities on the ground.”<sup>6</sup> The eight-year deadline therefore does not appear to be a firm commitment. **Recommendation:** Turkey should, as it commits to do in the request, keep States Parties regularly informed about any changes to its plans, keeping in mind that eight years is the maximum time permitted under this request. Given the length of time already passed since joining the treaty, it should make all necessary efforts to ensure it meets this extended deadline.

#### *Financing*

Turkey reports that it will finance the entirety of the Syrian border clearance, which is expected to cost \$550 million. Such a large contribution to its clearance program is commendable, and a positive indication of its commitment to this project. It also notes that it has secured from the EU two-thirds of the funding needed to clear the remaining border areas, meaning the planned work should be able to advance according to schedule. **Recommendation:** Turkey should also clarify how it plans to finance the remaining one-third of the project to clear other border areas. Turkey also notes that “no dedicated budget has been allocated for the clearance of areas other than borders,” so it should indicate where it expects those funds to come from.<sup>7</sup>

#### *Other Issues: Northern Cyprus*

Turkey has not addressed the antipersonnel mine contamination in Northern Cyprus, as it does not claim either jurisdiction or control over this territory. At the same time, however, Cyprus noted that it also did not have control of this area, leaving unresolved the question of which State Party will address contamination. **Recommendation:** States Parties should look for a way to ensure that the mined areas in Northern Cyprus are cleared as soon as possible for the benefit of the affected communities.

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<sup>5</sup> Turkey’s Article 5 Extension Request, p. A-4. In addition, according to information from the Landmine Monitor, the areas with the highest rates of casualties in 2011-12 were in Hakkari and Sirnak provinces, which are not scheduled to be cleared until 2020. The request does not specify if this will include suspected mined areas as well as those around military posts.

<sup>6</sup> Turkey’s Article 5 Extension Request, p. A-4 and A-13.

<sup>7</sup> Turkey’s Article 5 Extension Request, p. A-18.