

ICBL Comments on Serbia's Article 5 Extension Request

May 2013

Article 5 deadline: 1 March 2014
Extension period requested: **Five years (until 1 March 2019)**

Key Issues

- Since the discovery of additional mined areas in 2009, Serbia has made slow progress in surveying and clearing these areas.
- Serbia's plan for the extension period is clear, but does not reflect the need for urgent action required both by the treaty and by the danger the mines pose to the local population.
- Serbia should be in a position to fund much more of the remaining work, enabling it to finish clearance in a shorter period of time than requested.

Observations and Recommendations

Past Progress

Serbia had almost completed its Article 5 obligations in 2009, well ahead of its deadline, but unfortunately discovered at that point additional mined areas in the south of Serbia. Thus it was required to begin survey and clearance work in a different area and in different conditions (scattered mines laid by a non-state armed group as opposed to mines laid in patterns and with maps available, as occurred along the Croatian border). Serbia also has a significant amount of cluster munition and other UXO clearance it has needed to undertake.

But progress in recent years appears to have slowed considerably. In 2012 Serbia cleared only a total of 164,019m² of mined area containing four antipersonnel mines, far below the levels it had been clearing previously, though again, in different circumstances. In 2010 and 2011, it cleared no mines at all. Survey since 2010 has only covered 1.4km², which does not seem like a high rate of productivity, though the lack of an annual breakdown of areas surveyed makes it hard to assess the rate of progress. The discovery of only four mines in an area of 164,019m² also appears to indicate that more technical survey needs to be undertaken on the areas identified as "Risk Areas" before clearance begins.¹

Plans for Extension Period

The plans for the extension period, put together with the time that has already lapsed since the discovery of new areas, do not appear sufficiently ambitious. The request states that almost half the suspect area is expected to be cancelled through survey, so the total extent of mine contamination requiring clearance would be approximately 2.3km². The work plan lays out clearly the amount of land expected to be surveyed and cleared in each year. At the same time, it projects a sharp decrease in activity after 2015, with clearance levels reduced by 50% or more just when the completion of overall survey work would seemingly free up resources for faster clearance. If productivity were kept at consistent levels, it seems Serbia could finish at least two years earlier. **Recommendation:** *Serbia should consider reviewing the plan with a view to shortening the projected timeline (see comments on financing and impact on the local population, below).*

¹ The Request defines "Risk Area" as one which is confirmed to be mine contaminated. Serbia's Article 5 Extension Request, 26 March 2013 p. 7.

At the same time, Serbia notes that it expects the plans presented in the request “will most likely change.”² **Recommendation:** *Serbia should report clearly to States Parties at intersessional meetings and Meetings of States Parties of any changes in plans, and should ensure that changes in plans do not result in the request of another extension.*

Other Issues – Impact on local population

The request repeatedly states that the remaining mined areas pose a “constant threat to the safety of the local population” as they lie near residential areas, schoolyards, and areas where people frequently go looking for mushrooms or otherwise carry out daily activities. Economic opportunities in this notably poor area of Serbia are also severely impacted, as the mined areas hinder breeding of cattle, exploitation of the forest, and the planned construction of solar plants and tobacco processing facilities. **Recommendation:** *Serbia should be encouraged to act more swiftly to survey and clear these areas given the impact on the local communities.*

The requests also reports that there is no systematic and centrally kept database on mine accidents and mine victims. Yet according to Serbian national law, the Serbian Mine Action Center (SMAC) is mandated to carry out the “processing, maintenance and managing databases on ... casualties of mines and UXO.”³ Such data would facilitate not just the identification of mined areas, but also the provision of victim assistance.⁴ We are also concerned that neither the SMAC nor the army has conducted any MRE activity on landmines since 2004 despite the risk to the local population from the mines.⁵ **Recommendation:** *Serbia should establish a database on landmine and other UXO casualties and ensure the local population is well informed of the landmine threat.*

Financing

Serbia expects international donors to fund the entirety of its mine and cluster munitions clearance and says it will only contribute €150,000 a year to fund survey and SMAC’s management. But Serbia should be in a position to meet more, if not all, of its projected modest clearance costs (€2.5 million). An increase in national contributions would send a much stronger signal of Serbia’s commitment to meeting its treaty obligations than the current low level of funding. In addition, Serbia notes that “if more funds are provided, the work plan could be implemented in [a] shorter period.”⁶ **Recommendation:** *Given the impact on the population and the treaty requirement to complete Article 5 “as soon as possible,” Serbia should increase its projected budget to enable completion with a shorter period of time. Serbia should meet all gaps in international funding by providing increased national funds.*

Clarification sought on the Extension Request

The extension request is unclear on a number of points, laid out below. Additional information on these questions would better enable other States Parties to assess and decide on the request:

- What is the reason that Serbia decided to investigate possible contamination of the Ground Safety Zone (Bujanovac and Preševo municipalities) only in 2009?⁷
- How much land has been surveyed and released through survey on an annual basis since the beginning of mine action in Serbia (totals over time are given, but annual breakdowns would also be useful).

² Serbia’s Article 5 Extension Request, p. 27.

³ Law no. 72/2012 on Ministries, Article 30, Mine Action Center.

⁴ Serbia’s Article 5 Extension Request, p. 17.

⁵ Law no. 72/2012 also requires SMAC to “inform the population on the dangers of mines and other UXO.”

⁶ Serbia’s Article 5 Extension Request, p. 25.

⁷ A press conference held by Norwegian People’s Aid in 2007 on the release of their report *Yellow Killers*, at which the Serbian Mine Action Center was present, already signaled possible landmine contamination in Southeast Serbia.

- On what basis is Serbia able to make such a precise indication of the remaining land likely to be released through survey (1,023,951m²)? (see p. 24) Does this include initial survey only, or what is called “resurvey” as well?
- What is meant by “resurvey” planned for years 2016-19 (p. 26)? Is this technical survey?
- Why does the plan call for a drop in productivity after 2015 (see p. 26)?
- Why does the plan for survey call for inclusion of data collected during previous surveys (p. 24)? When was this land previously surveyed?
- Serbia notes that one of the reasons it needed to request an extension was that international funding has “severely diminished through the years” (see p 20), but funding appeared relatively steady through 2011, with a noticeable drop only in 2012. Could this be clarified?