

ICBL Comments on Extension Requests - United Kingdom, 26 November 2008

ICBL STATEMENT ON THE EXTENSION REQUEST OF THE UNITED KINGDOM

9th MEETING OF THE STATES PARTIES

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26 NOVEMBER 2008

We would like to begin by emphasizing that the ICBL does not in any way question the UK's contribution to and dedication to the alleviation of human suffering caused by antipersonnel mines. And despite certain comments by the delegation earlier today, we trust that the UK does not question the contributions and dedication of the ICBL or ICRC or its fellow States Parties. What we do question is the manner in which the UK has gone about fulfilling its obligations under Article 5.

As was clear from the many interventions this morning, States Parties find it difficult to understand and accept that the United Kingdom, one of the wealthiest mine-affected states under this treaty, has not only failed to finish its clearance obligations within 10 years, it has failed to even *start* demining operations. We were pleased that so many states expressed concern not just about the UK's extension request itself, but about the impact it might have on the integrity of the treaty, and the bad precedent it would set.

The UK informed us that it plans to issue a tender in 2009 to begin demining at a still unspecified time in 3 areas. We welcome this as a step in the right direction. But, we find it entirely insufficient. It is not, of course, a revision of the extension request. According to the treaty language, States Parties "must assess and decide upon the request for an extension," not assess an oral pledge made during the MSP that has no legal force.

One might ask why this announcement came so late, when the Analyzing Group has been asking for such information for months, and the ICBL and others have been calling for such a step for years, in keeping with the obligation to begin demining as soon as possible. And why is it just an oral announcement, and not part of a revised extension request. If the UK is serious about beginning its clearance operations, it should formally revise its request like so many other states have done.

Even taking the oral announcement into account, the UK falls far short of the standard set by other States Parties. There is still no starting date, no timeline, no plan, no budget and no completion date.

Moreover, the announcement only concerns three areas. What about the other 114 areas? What are the year by year plans to begin and finish demining *all* mined areas? What resources is the UK making available for this work? Without such information presented formally as part of the request, States Parties do not have the necessary information to make a decision. There is no way to know if the United Kingdom intends to demine the entirety of its mined areas within the requested 10-year extension period, if ever.

The UK's actions seem to indicate that it believes that it, and it alone, is above the extension request approach agreed by all States Parties and well implemented by so many other mine affected states, with many expending huge effort and making many sacrifices to do so.

For these reasons, the ICBL believes that the United Kingdom's request - which we must emphasize has not changed - still cannot be accepted as is. An approval on Friday would send the wrong message to other mine-affected states that are making their best effort to comply with their obligations, despite the high costs, despite the technical difficulties, and despite the danger to their deminers. If one state is allowed to ignore clear legal obligations on the basis the work is challenging and expensive or because its humanitarian or developmental implications are judged minimal, other mine-affected States Parties may believe that they may also avoid fulfilling their treaty obligation.

We strongly encourage the UK to revise its request before Friday. It should begin clearance before the expiry of its 2009 deadline. It should only ask for a one-year extension to conduct the necessary technical assessments to be able to resubmit a request with a concrete, time-bound demining plan for fulfillment of its legal obligations, based on factual knowledge. This interim request approach is being taken by Denmark, Chad, and Zimbabwe, and has been widely praised this week by States Parties. Why cannot the UK do the same? If the UK does not make these revisions to its request, we urge States Parties to vote against it on Friday and to invite the UK to return in a year with another request.

Granting a blanket ten year extension without any binding commitment to begin and complete all demining operations would be a precedent that would haunt the treaty for years to come.

Thank you.