

ICBL comments on Ukraine's extension request under Art. 5

Mine Ban Treaty Intersessional Meeting, Geneva, 19-21 June 2023

Thank you Chair,

The ICBL thanks Ukraine for submitting its draft extension request under the very challenging circumstances and for presenting it today.

Before we turn to specifics about the extension request, we want to briefly address “the elephant in the room:” ongoing use of antipersonnel mines in Ukraine.

We find ourselves in an unprecedented and highly regrettable situation. Not only is a State Not Party, Russia, saturating a State Party, Ukraine, with antipersonnel mines, but the State Party itself has used banned antipersonnel mines. Ukraine's use has been closely examined in the field and confirmed by ICBL member Human Rights Watch and others. We invite you to look at HRW's latest briefing paper on “Landmine Use in Ukraine,” prepared for this meeting.

Ukraine has indicated that it has taken such reports very seriously. But we have yet to hear from Ukraine a concrete denial, an admission, an explanation, an indication an investigation has been carried out or is underway, or any other substantive response.

Based on the evidence put forward to date, this is without question the most serious violation of the Mine Ban Treaty since it was negotiated in 1997.

Ukrainian civilians will not only suffer years and years from Russia's unconscionable, massive use of mines and booby-traps, but they will also suffer of Ukrainian antipersonnel mines piled on top.

The government of Ukraine must, without delay, explain itself, re-pledge itself to never use antipersonnel mines under any circumstances, and once again become a member in good standing of the Mine Ban Treaty.

We will speak at greater length on this tragedy in the later session on compliance.

The ongoing use makes Ukraine's Article 5 extension request all the more important.

We fully recognize that Ukraine's planning and mine action operations on the ground have been significantly impacted and limited by the ongoing conflict. We also understand Ukraine is not in a position to provide some of the fundamental elements for any Art. 5 deadline extension, such as a detailed work plan for survey and clearance.

Considering the heavy humanitarian toll that the recent use of antipersonnel landmines and other explosive remnants of war has taken on the people of Ukraine (with Ukraine itself citing the number of 770 casualties: 237 people killed and 533 injured) and the fact that the existing and potentially new contamination will likely continue to have a significant

humanitarian impact in years to come – it is absolutely critical that Ukrainian authorities undertake every possible effort to protect civilian population from this threat.

We understand that Ukraine has been conducting some risk education activities. It is critical that a comprehensive targeted risk education program continues in the future until the existing contamination can be fully cleared. Therefore, Ukraine needs to include a plan for mine risk education in affected communities as part of its current request. In the interest of the people at risk, and as required by the Oslo Action Plan, this plan needs to be detailed and costed. It needs to contain information on where the risk education will take place, by whom, to which target groups it will be directed and using what methods. It also needs to be accompanied by a clear budget to ensure adequate resources are allocated for these life saving measures.

Equally vital in this respect is marking and fencing of all known or suspected hazardous areas to exclude and protect civilians. An obligation under Article 5 that at the moment is missing from the request. Yet it needs to remain a top priority, as we continue seeing terrifying footage of Ukrainian civilians engaging in ‘homemade’ mine clearance and farmers adapting and mine-proofing tractors, in the face of food security crisis and ongoing struggle to carry out livelihood activities.

While we understand the current operations focus on emergency EOD interventions and clearance of vital infrastructure, we encourage Ukraine to plan for and carry out systematic survey in locations with safe and secure access. These steps would help to start determining the extent of contamination and hopefully enable its prompt clearance, as soon as feasible.

Concluding, under the current circumstances, and pending submission of a comprehensive risk education plan, we fully support granting Ukraine an interim extension of its Art.5 deadline of a couple of years to facilitate its formal compliance.

We hope the hostilities will end soon, at which point Ukraine would need to develop and present a complete request inclusive of a detailed survey and clearance plan.

Thank you.