

ICBL Comments on Extension Requests
Second Review Conference of the Mine Ban Treaty
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Presented by Tamar Gabelnick, ICBL Treaty Implementation Director

Cambodia

As others have noted, Cambodia's extension request details considerable recent progress in its humanitarian mine action program, from the new Baseline Survey to the agreement on principles for planning and prioritizing clearance to preparation of policy and standards for land release. On the other hand, earlier action to address critical data needs would have allowed Cambodia to present a comprehensive assessment of the remaining mine problem before asking for an extension. Still, the initiatives that Cambodia sets out in this extension request, several of which are already in the process of implementation, represent a platform for more efficient and effective clearance of the remaining problem.

The ICBL agrees with the view that the Royal Cambodian Armed Forces can play an important role in tackling Cambodia's remaining mine problem but remains concerned that clearance is subject to adequate scrutiny and accountability. We are pleased to hear that the RCAF should be accredited by the end of the year and that there will be quality control on the areas they have previously cleared. But we would also like to know what steps are being taken to ensure that the CMAA also needs high level political support for its role as regulator given the RCAF's previous resistance to oversight on mine action.

The request acknowledges two factors that could impede progress: funding and border tensions. The likelihood that Cambodia will achieve the 38% increase in funding it says would be needed to achieve completion within 10 years is remote, and it therefore appears probable, as the request acknowledges, that "the problem for Cambodia will go beyond 2019."

In addition, clearance of border areas in the past has suffered from interruptions caused by tensions with Thailand and interventions by military commanders. Cambodia has agreed that no orders would be issued to halt border demining but that in areas where the border is not clearly demarcated, demining operations required the approval of the two countries' Joint Border Commission and that demining should concentrate on other priorities rather than border areas that are disputed.¹ The extension request also states that "Continued border tensions may affect Cambodia's full ability to meet the obligation of the convention." Given the urgency of demining these sensitive zones and the length of time it may take for the JBC to complete its work, the ICBL encourages Cambodia to do all it can to find the most rapid solution for demining the area, as called for in Action 18 of the Cartagena Action Plan and as suggested by Thailand this afternoon.

¹ CMAA, "Minutes from Stakeholders' Workshop on a National Mine Action Strategy," Phnom Penh, undated but July 2009.

The ICBL's main concern with the request is that its estimate of the remaining contamination is just that, an estimate. The request acknowledges that the findings of the baseline survey are "likely to be significantly different." The current data does not therefore present States Parties with a reliable basis for determining the merits of the request for a 10-year extension; nor does it give Cambodia a basis for developing a work plan or budget detailing how it will fulfill its obligations.

The ICBL believes the appropriate response would be to provide a two-year extension, allowing Cambodia time to complete the first phase of the baseline survey, which will provide data that allows both States Parties and Cambodia to make the judgments required by the extension process. Failing that, Cambodia should be asked to commit to resubmitting a work plan to States Parties based on the findings of the baseline survey.

Tajikistan

The ICBL recognizes that the lack of international financial support over the years has hampered Tajikistan's efforts to increase its demining capacity, but delays have also been due to the late start in clearance and in making efficient use of land release techniques, which have produced very good results since 2007. Given that Tajikistan now has a more realistic estimate of 11km² of suspected hazardous areas and that machinery will arrive early next year, we believe that Tajikistan should be able to finish in much less than 10 years.

Indeed, the ICBL believes that a 10-year request is not in line with the obligation of Article 5 to complete mine clearance "as soon as possible" or the intention of States Parties that extensions be only for the minimum time strictly needed. We are concerned that in developing its request, Tajikistan was too reliant on a UNDP evaluation that was much more conservative than Tajikistan Mine Action Center (TMAC) or other actors on the ground had been. The evaluation recognizes that in the original estimation of the TMAC, "Tajikistan could clear all the SHAs by early 2015."² Unfortunately, the evaluation recommended it take twice this long, and Tajikistan followed this advice.

For all these reasons and despite an awareness of Tajikistan's historic difficulty in attracting funds, we have recommended that Tajikistan be granted a five-year extension. We have called on Tajikistan to put forward a new, five-year plan based on the possibility of mobilizing greater levels of national and international funds and other resources, and then do all it can to obtain such resources as quickly as possible. We have also called upon donors to respond favorably to any such requests so that the work could actually be finished within a shorter period of time. We are pleased to hear about the arrival of the long-awaited machinery early next year and hope other donors rise to the occasion.

If States Parties do grant Tajikistan a 10-year extension, we believe Tajikistan should be asked to submit a new work plan with a shorter timeline if and when significant new financial, material, or human resources become available, such as the arrival of machinery next year. Tajikistan should also be asked to review annually the

² Robert Keeley, "Outcome Evaluation for Mine Action Programme, UNDP Tajikistan," January 2009, p. 2.

possibility of reducing the time needed to complete Article 5 obligations, and we are encouraged to hear that Tajikistan also believes this may be possible.

Finally, we would like to urge Tajikistan to make the necessary efforts, with the support of international community, to finalize the delineation of the border with Uzbekistan and to find a solution to allow subsequent demining of all mined areas found to be in its territory without further delay.

Uganda

We would like to thank Uganda and the other states for their presentations, and also thank the Analyzing Group for their excellent and comprehensive papers, which allows us to be brief. Although Uganda could not begin mine action for reasons of security until 2006, the ICBL believes that it is highly regrettable that Uganda did not undertake the necessary evaluations in time to realize it would need an extension and make the request before its deadline. Of course, Uganda's failure to begin demining much earlier is also problematic not only because of the impact on the local population and because of its treaty obligations, but also because it might have helped Uganda to better assess its ability to finish on-time.

At the same time, given the problems with the initial survey and the fact that the second survey covered the same areas, States Parties should seek assurance from UMAC that it has identified all mined areas and that no additional surveying is needed.

Among the reasons for Uganda's failure to meet its deadline, the cited managerial problems within governmental and UN bodies is most troublesome and will need to be tackled if Uganda is going to meet the objectives of its plan. Resolving such problems will also be a factor in its ability to attract international assistance.

Overall, given the reasons we outlined in our critiques and those laid out by Ambassador Streuli this morning, the ICBL believes that the three years Uganda is requesting is a very conservative timeline. If there is confirmation that the MineWolf will be available in early 2010, this timeline should be reviewed. Uganda admits in its Executive Summary of 18 October that "The availability of this additional capacity will allow Uganda to fulfill its obligations in a shorter time frame, all other factors remaining constant." States Parties should strongly encourage Uganda to do just that. Even if the MineWolf is not available, it should aim to finish much faster than the three years requested. If the machinery is used, Uganda should be asked to return to the 10th Meeting of the States Parties with a revised work plan and budget that factor in this significant additional capacity.