

**Statement made by Mr. Markus Reiterer at the occasion of the intersessional meetings of the APM Ban Convention, May 2006-05-16**  
**Topic: Implementing Art. 5**

Mr. Co-Chair,

Let me start by thanking you, your Co-Chair and the two Co-Rapporteurs for your efforts to present the discussion paper on fulfilling Art. 5 and start a discussion on this important issue in a timely manner.

I would like to make some remarks on a couple of points contained in the discussion paper starting with the plea to clarify, to demystify as is said in the paper, the meaning of Art. 5. In that respect we believe that the words used by the Convention itself and also the carefully drafted text of the Zagreb Progress Report (paras. 62 and 63) that the MSP welcomed last November are already very clear, indeed.

The ZPR clearly states that affected States Parties do not need to search each and every square meter of their territory for mines. But it reiterates in an equally clear manner the obligation to make every effort to identify all areas under its jurisdiction or control, in which APMs are known or suspected to be emplaced.

Most importantly and phrased in equally clear terms Art 5 obliges States Parties to destroy or ensure the destruction of all – let me repeat: ALL – APMs in mined areas under a States Parties' jurisdiction or control. This needs to be done AS SOON AS POSSIBLE, but not later than ten years after the entry into force of the Convention for that State Party.

It is noteworthy that the terms “impact-free” or “mine-save” are nowhere to be found in the Convention and such a status would hence not be sufficient to fulfil legal obligations under Art. 5. These terms might describe interim steps in fulfilling the obligations under Art. 5. But, in the Convention, we have agreed to remove ALL mines – and we have done so for good reasons.

Moreover, the mine clearance obligation under Art. 5 – as South Africa – has pointed out already, is to be carried out AS SOON AS POSSIBLE. The 10 years deadline

therefore already marks a maximum amount of time available: fulfilling the obligation earlier than that is something States Parties should strive for.

Mr. Co-Chair

My delegation welcomes your initiative to initiate discussion on the question of Art. 5. We believe that this discussion is timely given the fact that the deadlines for the first group of countries expires in March 2009 – that is to say before the next RevCon.

National ownership in fulfilling the mine clearance obligations is the basis for success. Lack of national ownership would, however, almost certainly result in lack of success.

The Convention also ensures that those, who take up their responsibility, are not left alone. Throughout this meeting, Co-Chairs, we have heard a lot about the efforts, endeavours and plans to fulfil these obligations, and we have also heard about the impressive amount of help that has been provided over the years.

And basically, these are the two main pillars necessary for future success: National ownership as well as cooperation and assistance. We must not allow either of the two to wither away. For achieving this, it is necessary that States Parties concerned present their plans at the 2006 MSP on how to fulfil their obligations. Let me also mention that cooperation can and should take the form of cooperation among affected States. Efforts undertaken in the South East European region might serve as a valuable example.

Co-Chairs,

Your discussion paper clearly shows the time-frame under which we are operating in terms of mine-clearance. We need to get a commonly accepted understanding on how to deal with problems in meeting the deadlines and also with requests for extensions.

Let me be clear, first and foremost we need to ensure proper and timely implementation of Art. 5. Requests for extensions should therefore only be the very

last resort and should in no way be regarded as a “business as usual” tool – as so eloquently described by the ambassador of France.

But it is equally clear that making use of an extension request is not in itself a case of non-compliance. Such a request would, however, constitute a clear signal, that the State Party concerned would need to reinforce and accelerate its efforts to meet its mine clearance obligations.

### Co-Chairs

We agree with those who see a need to have a commonly shared understanding in place on how to deal with extension requests as soon as possible. This includes substantive elements, such as those referred to in Art. 5 para. 4, which already highlight the factors that need to be presented when requesting extensions and which then would form the basis for decision-making in that regard.

But this also includes a common understanding on the mechanism of how to deal with such requests. We appreciate the idea of an experts group to undertake a screening or pre-screening of requests and provide us with expert advice. We believe that this idea is a very important one which needs further discussion, including on the following elements: how would experts be elected? which mandate would they have? how to ensure the necessary – and let me say – traditional transparency under which we operate ? how to find the necessary balance? How could we make best use of existing mechanism such as the ISU and the Coordinating Committee?

In concluding, let me reiterate the need to reach a common understanding on these issues and commend you for the timely manner in which you have initiated this discussion which will have great influence on the future of the Convention. Austria will remain committed to help finding the best way forward.

Thank you, Co-Chair.