
Cartagena de Indias, 30 November-4 December 2009

Item 11 of the provisional agenda

**Consideration of submissions of States Parties
as provided for in Article 5**

**REQUEST FOR AN EXTENSION OF THE DEADLINE FOR
COMPLETING THE DESTRUCTION OF ANTI-PERSONNEL MINES IN
ACCORDANCE WITH ARTICLE 5 OF THE CONVENTION,
EXECUTIVE SUMMARY**

Submitted by Argentina*

Introduction

1. The Argentine Republic ratified the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction -Ottawa Convention - on 14 September 1999. In concert with depositing its instrument of ratification, Argentina submitted the following interpretative declaration:

"The Argentine Republic declares that in its territory, in the Malvinas, there are anti-personnel mines. This situation was brought to the attention of the Secretary-General of the United Nations when providing information within the framework of General Assembly resolutions 48/7; 49/215; 50/82; and 51/149 concerning "Assistance in mine clearance". Since this part of the Argentine territory is under illegal occupation by the United Kingdom of Great Britain and Northern Ireland, the Argentine Republic is effectively prevented from having access to the anti-personnel mines placed in the Malvinas in order to fulfill the obligations undertaken in the present Convention. The United Nations General Assembly has recognized the existence of a dispute concerning sovereignty over the Malvinas, South Georgias and South Sandwich and has urged the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland to maintain negotiations in order to find as soon as possible a peaceful and lasting solution to the dispute, with the good offices of the Secretary-General of the United Nations, who is to report to the General Assembly on the progress made (resolutions 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12, 39/6, 40/21,41/40, 42/19 and 43/25). The Special Committee on decolonization has taken the same position, and has adopted a resolution every year stating that the way to put an end to

* Submitted after due date and as soon as received by the Secretariat.

this colonial dispute, and requesting both Governments to resume negotiations to that end. The most recent of these resolutions was adopted on 1 July 1999. The Argentine Republic reaffirms its rights of sovereignty over the Malvinas, South Georgias and South Sandwich and the surrounding maritime areas which form an integral part of its national territory."

2. In order to contribute to create the favourable conditions for resuming the sovereignty negotiations urged by the international community through the relevant U.N. Resolutions and statements of many other international organisations and fora regarding "The Question of the Malvinas Islands", the Argentine Republic has adopted a series of provisional understandings under sovereignty formula with the United Kingdom on practical aspects related to the area of its national territory under illegitimate British occupation.

3. The Agreements by Exchange of Notes under sovereignty formula signed in Buenos Aires on 11 October 2001 and 3 August 2006 for the carrying out of a feasibility study on the clearance of anti-personnel mines (including UXOs) on the Malvinas Islands are among these provisional understandings adopted in that spirit. Both countries have kept the United Nations and the Ottawa Convention informed about the contents and implementation thereof.

4. In the framework of these Agreements by Exchange of Notes, the Joint Working Party made up of delegations of both countries, held seventeen meetings between December 2001 and October 2007, and experts from Cranfield University monitored by military officers of both countries performed a field survey on the Malvinas Islands during December 2006.

5. On 5 October 2007, the Argentine and the British Governments exchanged notes approving the work performed by the Joint Working Party, including the Final Report on the Feasibility Study on Mine Clearance (including UXOs) on the Malvinas Islands. The most relevant aspects of the Agreements by Exchange of Notes referred to above were thus fulfilled, even though the submission of available data on the location and contents of the mined areas in the format established by the IMSMA system is still pending on the part of the United Kingdom.

6. At the 8th Meeting of the States Parties to the Convention held in Jordan between 18 and 22 November 2007, the Argentine Delegation submitted the above mentioned Final Report to the Plenary, bringing it to the knowledge of the Convention in particular, and of the international community in general. The contents of the Final Report are available at <http://www.apminebanconvention.org/meetings-of-the-states-parties/8msp>. This feasibility study specified that there are 117 areas totalling approximately 1,315 hectares that contain or are suspected to contain anti-personnel mines.

What are the circumstances that impeded Argentina from destroying all anti-personnel mines in mined areas by its deadline?

7. Since the circumstances described in the mentioned declaration have not changed since 1999 as the illegitimate occupation of the Malvinas Islands by the United Kingdom of Great Britain and Northern Ireland continues, Argentina has no access to the territory. In this sense, the performance of humanitarian mine clearance works on the part of the Argentine Republic depends upon the United Kingdom's effective compliance of what has been established by the

relevant resolutions of the United Nations General Assembly and Special Committee on Decolonization on the “Question of the Malvinas Islands”. More specifically, the United Nations General Assembly has recognized the existence of a sovereignty dispute between the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland over the Malvinas, South Georgias and South Sandwich Islands and the surrounding maritime areas by the relevant resolutions on the “Question of the Malvinas Islands”. Similarly, the Special Committee on Decolonization annually adopts a resolution on the same question in terms similar to those contained in the abovementioned resolutions, the last one of which was approved by consensus on 18 June 2009.

8. Despite the said reiterated pronouncements of the United Nations and other international and regional organizations and fora calling for the resumption of the sovereignty negotiations, the United Kingdom persists in its refusal to abide by all these pronouncements of the international community.

What is the proposed duration for the extension and what are reasons for this amount of time?

9. The Government of the Argentine Republic has decided to submit a request for an extension for the period of 10 years, between 1st March 2010 (deadline of the original maximum time period in respect of the Argentine Republic pursuant to Article 5 of the Convention) and 1st March 2020, presenting a schematic plan to implement Article 5 in the areas in question during this time period, provided that the sovereignty negotiations between the Argentine Republic and the United Kingdom recommended by the relevant U.N. Resolutions would be resumed, and within this framework both countries would reach an agreement about carrying out the clearance of anti-personnel mines (including UXOs).

What are the humanitarian, social, economic, and environmental implications of the extension?

10. The humanitarian, social, economic and environmental implication of the extension has been stated in the feasibility study mentioned above. In particular, it is recognized that the total fenced area of the mined areas and suspect areas represents 0.1% of the land used for farming, so the economic impact of landmines on the Islands’ farming communities is negligible. Additionally, as pointed out in the feasibility study, the clearance method that can be used will depend on the environmental condition, so an Environmental Impact Assessments needs to be carried out to ensure that irremediable damage is not done to the terrain, vegetation, population or wildlife.

What is the plan to fulfill Article 5 obligations during the extension period?

11. Argentina’s plan to address 117 minefields foresees categorising these areas according to those subject to general survey, technical survey, demining or special study. It is expected that of the 1314.9 hectares in question, 972.36 hectares would be subject to general survey, between 216.45 and 313.45 hectares would be released through technical survey, between 111.04 and 187.04 hectares will require clearance, and 12.34 hectares would require a special study due to

their special condition. On the basis of detailed estimates of the activities to be carried out and the personnel, equipment, capacity and infrastructure required, Argentina has developed annual projections of the total area that would be released.

12. In order to fulfil operation in the requested 10 year period an initial tentative timeline would include reserving the 1st year for the development of “preparatory work” and the 10th year as “reserve”, in the case of unexpected delays. In the case of General Study, it is considered necessary to delay the initiation by one year in order to define the criteria that will be applied in the process of determining if an area should be determined as hazardous. In order to fulfil operations between the 2nd and 9th year, work should be carried out at a pace of 30 hectares per year. The plan includes a total personnel of 865 distributed in the following fashion: 405 on the continent (90 in the office, and 315 retraining/resting), 79 which will visit the work area in different groupings (including the following personnel 35 management, 22 general survey, and 22 special survey), and 380 on the island (65 in offices and 315 on the terrain).

13. The total budget necessary to conclude operations in the 10 year period is US250 million.
