6.2 ICBL

ICBL Critique of Cambodia's Article 5 Deadline Extension Request

International CAMPAIGN TO BAN LANDMINES

MAY 2009

Overview of the proposed extension

Cambodia requested a 10-year extension until December 2019. Cambodia's request is based on an estimate that 672km^2 of mined areas remain to be released through full clearance, 1,864km^2 remain to be released through technical and non-technical survey, and 2,008km^2 are to be released through cancellation of database entries.[1] These estimates were developed by one of the operators, Cambodian Mine Action Center (CMAC), and represent an extrapolation of their survey results in 16 districts.

The request notes that these numbers represent the "best available estimates" at the present time, but they are poorly evidenced. The baseline for this estimate is the Level 1 Survey (L1S) conducted between 2000 and 2002, which Cambodia recognizes "did not provide a complete and accurate picture of the mine problem in Cambodia" as it vastly overestimated the area of contamination, while missing other areas later shown to be mined. In the meantime, the three operators have cleared more than 200km^2 of land, and informal demining has also been carried out by villagers seeking to make use of fertile land. Demining operators have all also resurveyed land with the goal of identifying other contaminated areas or releasing land no longer suspected of containing mines.

Unfortunately, only recently have the three operators been able to agree on a set of common classifications of land and common survey approaches that will enable them to establish a coherent picture of the remaining contamination. The plan is to undertake a baseline survey that will supersede the original L1S to provide a basis for future demining planning. The aim is to first complete the baseline survey of 21 districts in 2010 and the remaining districts by 2012, while at the same time establishing and strengthening the national database capacity and information management system to support the baseline survey and continuing to carry out demining operations. Cambodia will only be able to set out for States Parties a meaningful work plan and a realistic basis for estimating costs when it has these survey results.

In the meantime, there are additional features of the current request that raise concern about the feasibility of Cambodia's approach. Based on the rough estimate of residual contamination, the plan puts forward an estimated cost of $528, meaning the projected spending levels would be around twice the size of recent budgets. The idea that funding will double over the next four years (from $31.8 million in 2007 to $63 million a year in 2012 to 2016) is unrealistic. While Cambodia should be encouraged to increase its contributions and be ambitious in its attempts to secure international assistance, such a sharp increase is a dubious basis upon which to base a demining plan.

The current request also proposes that one-third (235.2km^2) of the estimated clearance required to meet Cambodia's treaty obligations will be performed by the Royal Cambodian Armed Forces (RCAF). We acknowledge that RCAF has the capacity to make a significant contribution to mine and ERW clearance. We also acknowledge that RCAF lays claim to have conducted clearance on a significant area, particularly in infrastructure-related work. However, RCAF has never reported the locations of its clearance or provided any data that would allow verification of its claims of productivity. It has not submitted to accreditation with the CMAA or to any quality assurance. And while there is no evidence of what it has

[1] Article 5 deadline Extension Request, p. 48.

achieved, there is anecdotal evidence indicating it does not conduct in-country clearance to anything approaching international standards.

Another concern is that the plan identifies the K5 mine belt as a major part of the remaining contamination, but in recent months operators have had to move off tasks on the K5 on the orders of military authorities reacting to border tensions with Thailand.

Conclusions and recommendations

Given the extent of contamination, it is fully understandable that Cambodia will require significant additional time to meet its Article 5 obligations. However, States Parties assessing the requests for extensions under Article 5 need to have sufficient information to make an informed decision in line with their treaty obligations. Despite having a mine action program for 17 years, Cambodia is not yet in a position to specify with any reliability or precision the extent of the remaining task. The estimates of the remaining task presented are in the final analysis meaningless and acknowledged by Cambodia to be such. The request recognizes the current data "presents a suspect area that all in the sector know is a massive, inaccurate and highly distorting snap-shot". As a result, there is no basis for making a determination of how much time Cambodia needs to tackle the residual landmine threat.

Cambodia plans to conduct a survey of suspected hazardous areas in 2009-2010 that will serve as the baseline for future mine action planning and operations. While we expect the baseline survey to cover the whole country, the first phase of the BS starting in August will fill a crucial gap: the 21 districts it covers account for 93% of casualties in the last five years. The findings of this phase will be available in just a year, and allowing for data analysis and subsequent discussion among stakeholders, will allow Cambodia to make an informed statement about what remains to be done within two years.

We therefore recommend that Cambodia request and be granted a two-year extension to enable the survey to be completed so they may present a far more accurate picture of the residual level of contamination. It should then submit a second extension request based on the results of the survey and subsequent planning. Again, it does not seem logical for States Parties to decide on a request with data and plans that are known to be faulty and will need to be entirely revamped after the baseline survey.

In the meantime, we would also like to express concern about the reliance on the Royal Cambodian Armed Forces to conduct large amounts of clearance given its lack of certification or outside quality assurance/control. It is difficult to see how States Parties could approve a request wherein any, let alone one-third, of the demining would be carried out by an organization that is not working in a transparent manner, appears to be using inferior standards, and is not subject to QA/QC.

In addition, Cambodia should refrain from any interruption of clearance of the K5 mine belt along the border, which Cambodia recognizes is still one of the most heavily contaminated areas in the country. We also encourage Cambodia to work with Thailand to ensure the rapid clearance of all areas along the disputed border without prejudice to any final delineation of the border.

Finally, we would like to ask for clarification on one of the land classification categories operators will be using for the Baseline Survey called "threat reduced land" (Category C2), defined as "Previously mined or suspected land where the **perceived threat has been reduced** through approved threat reduction or survey techniques." The table shows that such areas would not be subject to clearance, but "reduction of a perceived threat" does not meet the treaty's requirement to clear all known or suspected mined areas. Therefore we would ask this category to be revised to bring it into line with Cambodia's treaty obligations.

ICBL Critique of Tajikistan's Article 5 Deadline Extension Request

May 2009

Overview of the proposed extension

Tajikistan is requesting a 10-year extension from 1 January 2010 to 31 December 2019.[1] Insufficient funds, difficult and hard to access terrain, and problems finding a political solution to demine the Uzbekistan border were some of the key reasons that Tajikistan says prevented on-time completion. However, the demining program only started four years after Tajikistan became party to the treaty, leaving Tajikistan only six years to complete its obligations under Article 5.

In addition, inaccurate minefield records and surveys created an overestimation of the level of landmine contamination, further complicating on-time clearance. But Tajikistan's delays in using land release techniques to increase efficiency have also prolonged implementation. The rate of land release through general and technical survey has sharply increased since 2007. Clearance output has also been low, averaging less than half a square kilometer per year, but reaching 1.3 km2 in 2008. Manual demining alone was used during the first years of the program, with mine detection dog capacity added in 2006. The of absence of a demining machine, for which Tajikistan has been unsuccessfully seeking funds for several years, has prevented more efficient clearance of a good part of Tajikistan's mined areas, especially the minefields along the Afghan border.

In Tajikistan, mined areas are mainly present in three regions: the border with Afghanistan, the border with Uzbekistan, and the Central Region of the country. Tajikistan has 115 confirmed mined areas with an estimated size of 5.6km^2 along the Afghan border, with an additional 360 suspected hazardous areas (SHAs) estimated at 5.9km^2 pending re-survey. There are 57 SHAs of unknown size along the Uzbek border. A total of 36 SHAs with an estimated size of 3.5km^2 are in the Central Region, 19 of which are confirmed mined areas and 17 of which are pending re-survey. To date, most of the cleared land is agricultural, which are needed by the local population as their means of survival.[2]

The precise extent of contamination remains unclear, and it is highly likely that land release principles and methodology that is in Tajikistan's work plan will enable the continued release of a good portion of the SHAs through non-technical and technical survey, without the need for full clearance. In 2004-2008, 2.27km^2 of land was cleared, while through re-survey and other land release methods, 42.3km^2 of land (18 SHAs) were removed from the database. An additional 93 previously unrecorded mined areas with an estimated area of almost 3km^2 were identified during that period.[3]

The extension request contains a work plan for 2009 and the period of extension 2010-2019. Tajikistan sets out in the request its plan to increase survey and clearance capacity within the only NGO demining operator, the Swiss Foundation for Mine Action (FSD), as well as within the Ministry of Defense.[4] To support this additional capacity, more QA/QC expertise will probably be needed.

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1 Article 5 deadline Extension Request, p. 64.
2 *Ibid.*, p. 12.
3 *Ibid.*, p. 9.
4 *Ibid.*, p. 19.

Conclusions and recommendations

Certainly, the lack of international financial support over the years has hampered Tajikistan's efforts to increase demining capacity, but delays have also been due to the late start in clearance and in making efficient use of land release techniques. If land release techniques continue to yield good results, and if machinery were made available and financial resources increased, Tajikistan should be able to finish in much less than 10 years.

We therefore recommend that Tajikistan be granted a five-year extension. A 10-year request with relatively low annual funding requirements and low projections of productivity may be realistic, but it 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 call on Tajikistan to put forward a new, five-year plan based on the possibility of mobilizing greater levels of national and international funds, and then do all it can to obtain such resources as quickly as possible.

Finally, as noted in the extension request, Tajikistan has unresolved border issues with Uzbekistan, though they are getting close to agreeing on most of the border's delineation at the political level. Tajikistan now needs 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 this area without further delay.