

Early Ratification Of The Ban Treaty: Building Political Will and Technical Capacities for Early Ratification

*Chair: His Excellency Lucius Caflish
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Diplomatic Challenges

Mr. Thomas Markram
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What many people privately considered an impossible diplomatic challenge a year ago has already been accomplished in only one year, said Mr. Thomas Markram of the South African Department of Foreign Affairs. Now the top priorities are to ensure that the treaty is legally binding by ensuring ratification as soon as possible, and to push for its universalization.

The Convention will only be as good as its implementation by states parties, Markram said. One immediate challenge will be to ensure that the necessary political will and technical capacities exist. Stakeholders should ensure any future international conferences and symposiums focus on the technical and functional aspects of implementation. A second challenge will be gathering better data on the number of emplaced mines since it will be used as a basis for access to scarce resources.

Markram expressed the hope that states will, at the very least, provisionally apply Paragraph 1, Article 1 of the Convention (ban on use) pending its entry into force, as called for by the Vienna Convention on Treaties. In closing, he stressed the need to promote the early ratification and universalization of the Convention. "We cannot build political will and technical capacity on the premise of reiteration of gloom," he said. "We need to provide hope for those living in mined countries, and be able to show that the challenges we face are realizable in terms of time periods and funding."



Facilitating Ratification and National Implementation

Mr. Stuart Maslen
Mine Advisor, International Committee of the Red Cross

Although a commitment by a state to sign a treaty is significant, it is not sufficient because it is not accompanied by a corresponding duty to ratify it, said Stuart Maslen of the International Committee of the Red Cross. It is simply a means for the state to submit it to parliament for formal debate and approval. If this Convention is to avoid the fate of some others which took up to 40 years to ratify, there is an urgent need for a "diplomatic push".

Maslen outlined the ratification process. The first step is to ensure there is support from the executive branch of governments, he said. Parliaments will not be entitled to make reservations as they did with respect to other conventions, and there may also be a need for penal legislation.

Parliamentary ratification of the Convention is followed by the formal adherence process. This involves a deposit of the instrument of ratification, approval, acceptance or accession with the UN Secretary-General.