



General Assembly

Distr.: General
31 August 2021

English only

Human Rights Council

Forty-eighth session

13 September–1 October 2021

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Institut International pour les Droits et le Développement, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 August 2021]

* Issued as received, in the language(s) of submission only.



Calling the international community to urge Armenia deliver anti-personal mines maps in Azerbaijan

Landmines are the leftovers of war, marking a conflict of the past that continues to haunt populations in the present. The remnants of a long gone violence have the ability to kill and injure, while simultaneously keeping communities in fear and in poverty and limiting development.

Landmines are instruments of war that do not discriminate between combatants and civilians and remain in the environment for decades. Designed to be buried beneath the surface and detonate with pressure from above, landmines are usually undetectable and can kill without any warning.

The lands of Azerbaijan were recently liberated from the 30-year occupation of Armenian troops and the war ended on November 10, 2020 on the basis of a trilateral agreement. The guns were silent. But mine explosions still happen. Innocent people are victimized by landmines, children are orphaned.

The Armenian army has in fact laid landmines during almost 30 years of conflict on an enormous scale even in non-combat zones indiscriminately of military or civilian targets, but also during its withdrawal. Consequently, thousands of displaced families are finally returning to their homes to find themselves in serious danger (ANAMA, 2021). Refusal of Armenia to provide all mine maps results therefore to the death of innocent people.

Mine field documents and maps are indeed important source of information describing the mine field location, mine types, quantity, and other data. The maps will help save the life of thousands of citizens and speed the reconstruction of Agdam as well as the return of its displaced population. Yet, Non-Technical Survey guideline written in International Mine Action Standards has been established to locate minefields with absent maps. UNMAS and GICHD have done a great contribution in this sphere collecting and analyzing information about isolated areas, mine incidents, and mine witnesses through communication with the public. Unfortunately, there is still a great lack of information in liberated areas, as all the locals who once lived there have been away for about 30 years. As a result, all areas are considered dangerous until the opposite is proven making clearance process more expensive and difficult.

On Saturday 12.06.2021, Azerbaijani's foreign affairs minister announced the relief of 15 Armenian soldiers in return of the release of the maps of landmines that locates 97'000 anti-tank and anti-personnel mines in the region of Agdam by Armenia.

The Mine Action Agency of the Republic of Azerbaijan (ANAMA) is the main national mine authority in Azerbaijan. During the war, ANAMA and demining NGO's groups were divided into small lifesaving teams to respond to the population's hotlines calls. They also worked on destroying the spread cluster munitions and explosive devices from the area to prevent future deaths. Moreover, as the Ministry of Internal Affairs have closed the roads leading to the liberated to prevent further landmines victims, the number of landmine incidents today cannot be considered as an indicator. But it's still important to highlight that since the cease-fire, many civilians and few soldiers have been killed and more than one hundred people were wounded.

Environmental impact of anti-personal and anti-tanks landmines

The Center for Environmental Law and Economic Integration of the South-DASSUR have shown that anti-personal and anti-tanks landmines damages are unfortunately not limited to humans harm, they are also an ancillary element of the international environmental crisis due to their components that affects many constituents of the global biosphere causing soil degradation, pollution, including water resources with heavy metals that continue to corrode, deforestation, and probably altering entire species populations by altering food chains.

Landmines have in fact killed and maimed large numbers of specimens of wildlife. This statement has been observed empirically through a repetitive geographical coincidence

between mine-affected zones and biodiversity hotspots posing a considerable risk to pristine ecosystems throughout the world.

Moreover, indirect impacts are also observable: damage on soil composition preventing cultivating of lands and the return to levels of agricultural production prior to a landmine explosion. Long term impacts mostly include the bioaccumulation of toxic substances freed as mercury and lead into the site of the blast, both present on most landmines (Torres-Nachón, 2021).¹

The Center therefore emphasizes that the huge importance of environmental damages and issues should be underlined and taken into effective consideration to universally ban and destroy landmines. It also encourages the following of a strategy consisting the highlight of environmental impacts of landmines in order to get the states for signature, ratification and effective implementation of the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction.

Anti-personal and anti-tank landmines are indeed a multilevel destructive weapon that threatens human lives and safety but also harms the whole environment on the short and long term.

Mine Ban Convention and International position

The Secretary General of the Council of Europe Marija Pejcinovic Buric stressed about the importance “of getting mine maps and eradicating the mines from the area.”

The ICRC has shown its concerns about the landmines consequences several times, it emphasizes that antipersonnel-mines leave a long-term legacy of harm and injuries as well as lifelong consequences on the victims (CICR, 2018).² Mines strike indiscriminately, it does not distinguish a fighter from a civilian and therefore continue to kill innocents after the hostilities are over. Moreover, even if their location has been marked and released, they move under the effect of floods, landslides and movements of sand dunes, which urges the start of the demining process.

Furthermore, mine contamination puts vast areas of agricultural lands out of use affecting the environment, food production, and destroying livelihoods.

The prohibition the use, production, stockpiling and transfers of this weapon by the Anti-Personnel Mine Ban Convention of 1997 obliges taking actions to prevent and address their long-lasting effects. However, even though more than a ¾ of the world’s states are today party to the said convention, we still witness the use of improvised mines that affects over 56 countries around the world through explosive remnants of war producing thousands of casualties each year (ICRC, 2018).

Armenia nor Azerbaijan are state-parties to the said convention, therefore Armenia could not be submitted to its obligations. However, releasing the mine maps remains a humanitarian duty. Since the mines are causing death to innocent civilians when hostilities between both sides are over, there’s a moral obligation to communicate their locations and save lives under the simple principle of humanity. The second Additional Protocol to the United Nations Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects of 1980 also prohibits the use of anti-personal mines near civilian areas since it causes traumatic or excessive effects and are considered to be discriminatory. The customary international humanitarian law, and more precisely the principle of distinction that obliges the distinguishing between the combatants and the civilians, and the principle of proportionality saying that there should be no disproportion between military advantage and civilian harm, are applicable since the landmines are still causing civilian losses and damages.

¹ Torres-Nachón, C. (2021) Environmental aspects of the international crisis of antipersonnel landmines and the implementation of the 1997 mine ban treaty. Center for Environmental Law and Economic Integration of the South-DASSUR. Landmine Monitor Report 2000 - Environmental Aspects (hrw.org).

² ICRC. (2018) Anti-personnel mines. Online. Anti-personnel mines | International Committee of the Red Cross (icrc.org).

Conclusion:

1. By rendering land mine maps Armenia herself has admitted long denied facts about the policy of massive implantation of maps.
2. Accuracy of delivered mine maps is less than 25 percent.
3. Land mines continue to pose serious impediment to reconstruction efforts of Azerbaijani Government.
4. Two Azerbaijani journalists have become victim of mines implanted by retreating forces of Armenia from Kalbajar region.

As described, the lack of mine maps has therefore a chain of socio-economic and environmental negative impacts. According to international practice, in the absence of mine maps, the operational and logistical costs of those countries and donor organizations are quite higher.

The International Institute for Rights and Development - Geneva (IRDG), call the international community to support ending the suffer of a population who have been homeless for almost 30 years of occupation and make them able to safely return back to their homes by providing Azerbaijan's authorities with the location of the rest of the landmines. It's unfair to intensify the war loses and make more victims and injuries when the mines can easily be removed.

The international community is asked to support the mediation efforts that are being held and urge Armenia to release maps of all the landmines to protect innocent families who defenitly have the right to live safely. It's not acceptable nor legal to negotiate the relief of soldiers in return of the survival of a whole population.
