

**Fourth Review Conference of the States Parties to
the Convention on the Prohibition of the Use,
Stockpiling, Production and Transfer of
Anti-Personnel Mines and on Their Destruction**

15 October 2019

Original: English

Oslo, 26-29 November 2019

Item 7 of the provisional agenda

Review of the operation and status of the Convention

**Draft review of the operation and status of the
Convention on the Prohibition of the Use,
Stockpiling, Production and Transfer of Anti-
personnel Mines and on their destruction:
2014-2019**

Clearing mined areas and Assisting the victims

Submitted by the President of the Fourth Review Conference*

I. Clearing mined areas

1. At the close of the Third Review Conference, 31 States Parties out of the 59 States Parties that had reported, since the Convention entered into force, areas under their jurisdiction or control in which anti-personnel mines were known or suspected to be emplaced were in the process of implementing Article 5 obligations.

2. Since the Third Review Conference, the following has transpired:

(a) Three States Parties that had reported areas under their jurisdiction or control in which anti-personnel mines were known or suspected to be emplaced reported that they had completed implementation of Article 5 of the Convention - Algeria, Mozambique, and Mauritania.

(b) The Convention entered into force for three States Parties that have reported areas under their jurisdiction or control in which anti-personnel mines are known or suspected to be emplaced - Oman, Sri Lanka and the State of Palestine.

(c) One State Party which had initially reported the absence of mined areas under its jurisdiction or control has now reported the presence of new mined areas under its jurisdiction or control – Ukraine.

3. In total, since the entry into force of the Convention, there are 63 States Parties that have reported obligations under Article 5, paragraph 1 of the Convention. Of these, there are now 32 States Parties for which Article 5 obligations remain relevant: Afghanistan, Angola, Argentina, Bosnia and Herzegovina, Cambodia, Chad, Chile, Colombia, Croatia,

* This document was scheduled for publication after the standard publication date owing to circumstances beyond the submitter's control.



Cyprus, the Democratic Republic of the Congo, Ecuador, Eritrea, Ethiopia, Iraq, Niger, Oman, State of Palestine, Peru, Senegal, Serbia, Somalia, South Sudan, Sri Lanka, Sudan, Tajikistan, Thailand, Turkey, Ukraine, United Kingdom, Yemen and Zimbabwe.

4. While significant and measurable progress has been achieved in the implementation of Article 5, challenges in implementation remain. Some of the persistent challenges reported by States Parties include lack of financial resources, security concerns, border challenges and matters concerning access to contaminated areas. In other cases – the continued use of anti-personnel mines of an improvised nature has been reported as a significant challenge in implementation of Article 5. This is a challenge which may persist and possibly become more prevalent in the future.

5. In the Maputo Action Plan, the States Parties expressed their resolve to “identify the precise perimeters and locations, to the extent possible, of all areas under its jurisdiction or control that contain anti-personnel mines”. Since the Third Review Conference approximately 15 of the 32 States Parties implementing Article 5 have completed or have reported being in the process of carrying out survey to acquire more clarity on the remaining challenge including: Afghanistan, Angola, Bosnia and Herzegovina, Cambodia, Colombia, Iraq, Oman, Somalia, Sri Lanka, Tajikistan, Thailand, Turkey, United Kingdom, Yemen and Zimbabwe. For example, since the Third Review Conference Angola has completed nationwide resurvey and today has a more accurate picture of the remaining challenge. Likewise, Bosnia and Herzegovina has launched non-technical survey activities to more clearly define the remaining challenge and to develop a concrete completion plan based on more accurate information. While progress in this regard has been recorded, a number of States Parties continue to report large swaths of land as suspected requiring survey. Achieving greater clarity on the actual extent of contamination has been pointed out as an important objective of the States Parties in order to develop clear baselines and comprehensive work plans towards completion and ensure the appropriate prioritization of mine clearance operations.

6. The Maputo Action Plan highlights that “land release methodologies will be evidence-based, accountable and acceptable to local communities, including through the participation of affected communities, including women, girls, boys and men, in the process.” Furthermore, in the Maputo Action Plan, it was agreed that each State Party “will ensure as soon as possible that the most relevant land-release standards, policies and methodologies, in line with the United Nations’ International Mine Action Standards, are in place and applied for the full and expedient implementation of this aspect of the Convention...”. The States Parties have recognised that in doing so, “some States Parties may find themselves in a situation wherein they could proceed with implementation faster in implementation of Article 5”.

7. Since the Third Review Conference, the International Mine Action Standards (IMAS) on Land Release have been further updated to support States Parties in their work to ensure an “evidence-based approach” to survey and clearance. In this regard, the States Parties have pointed to the importance of ensuring that national mine action standards are in line with best practices highlighted in IMAS and are applied routinely by stakeholders. Since the Third Review Conference, 24 of the 32 States Parties reported having established and applied the most relevant land release standards, policies and methodologies in accordance with IMAS: Afghanistan, Angola, Bosnia and Herzegovina, Cambodia, Chad, Chile, Colombia, Croatia, Ecuador, Ethiopia, Iraq, Niger, Peru, Senegal, Serbia, South Sudan, Sri Lanka, Sudan, Tajikistan, Thailand, Turkey, United Kingdom, Yemen and Zimbabwe. In spite of this, large amounts of area continue to be cleared which could have been released through non-technical and technical survey. To address this, it will be important to improve operational efficiency to ensure completion of mine clearance in the most effective, efficient and expeditious manner.

8. Furthermore, States Parties have recognised that the remaining challenge and progress in implementation could be more clearly presented if all States Parties implementing Article 5 obligations employed terminology contained within, and in a manner consistent with, the IMAS (e.g. “confirmed hazardous area”, “suspected hazardous area”; disaggregating land release data by activity that is nontechnical survey, technical

survey and clearance; reporting progress according to the result of each activity, that is land that is cancelled, reduced, cleared).

9. Since the Third Review Conference, there has been an increased recognition by the States Parties of the importance of integrating gender and age considerations throughout the survey and clearance process to ensure that comprehensive information on contamination is collected and to maximize the positive socio-economic impact of clearance efforts. While progress has been made in this regard, it has not been systematic, as there remains an increased need to include gender-focused objectives in organisational strategies and increasing the conduct of gender analysis while ensuring that this information is used to guide operational planning.

10. Since the Third Review Conference, four States Parties – Afghanistan, Colombia, Iraq and Yemen - have reported an increase in the use of anti-personnel mines of an improvised nature by armed non-state actors. In 2018, at the Seventeenth Meeting of the States Parties, the Committee on Article 5 Implementation, in a paper entitled “Reflections and understandings on the implementation and completion of Article 5 mine clearance obligations”, highlighted that “the definition contained in Article 2.1 makes no distinction between an anti-personnel mine that has been ‘manufactured’ and one that has been ‘improvised’, since negotiators aimed for an effect-based definition” and that in this context, “States Parties affected by the latter type of anti-personnel mines must address them as part of their overall implementation challenge under the Convention including, in the fulfilment of Article 5 and Article 7 (transparency measures) commitments.”¹ Since the Third Review Conference, the States Parties have carried out efforts to ensure that States Parties affected by anti-personnel mines of an improvised nature understand the need to address these types of anti-personnel mines within the framework of the Convention. In addition to the States Parties highlighted above, at the 22-24 May 2019 intersessional meetings, Nigeria acknowledged their obligation to report in this regard highlighting that a non-technical survey will commence in the most conflict-affected areas.

11. Since the Third Review Conference, the States Parties have recalled what the end-point is in the fulfilment of Article 5 obligations. The Seventeenth Meeting of the States Parties (17MSP) reemphasised that “all areas falling under the definition of a ‘mined area’ and containing ‘anti-personnel mines’ must be addressed in order to meet the obligations under Article 5 of the Convention. Furthermore, the 17MSP reemphasised that this obligation is independent of the difficulty to access a ‘mined area’ or of the type of anti-personnel mines emplaced (e.g. manufactured or of an improvised nature).”²

12. Since the Third Review Conference, the following States Parties have made use of the Article 5 extension request process: Angola, Argentina, Bosnia and Herzegovina, Cambodia, Chad, Croatia, Cyprus, Ecuador, Ethiopia, Iraq, Mauritania, Niger, Peru, Senegal, Serbia, Sudan, Tajikistan, Thailand, Ukraine, the United Kingdom, Yemen and Zimbabwe. The States Parties have recognised the important opportunity presented by the extension request process and emphasised the importance of States Parties requiring an extension of their deadline to abide by the process established by the Seventh Meeting of the States Parties on the submission and consideration of requests for extension as well as the recommendations regarding the Article 5 extension Process endorsed by the Twelfth Meeting of the States Parties.

13. Since the Third Review Conference, the States Parties reconfirmed the importance of States Parties declaring completion in an unambiguous manner and employing language adopted by the States Parties in the voluntary declaration of completion adopted by the Seventh Meeting of the States Parties to avoid confusion concerning the scope and meaning of the State Party’s achievement. In this regard and with the aim to provide support to States Parties in declaring completion in an unambiguous manner, the Seventeenth Meeting of the States Parties adopted the following recommendations:

¹ Reflections and understandings on the implementation and completion of Article 5 mine clearance obligations, Committee on Article 5 Implementation, APLC/MSP.17/2018/10.

² Ibid.

(a) States Parties are encouraged to continue the voluntary practice of submitting to a Meeting of the States Parties/Review Conference a declaration of completion that incorporates the language adopted by the Seventh Meeting of the States Parties and Twelfth Meeting of the States Parties. States Parties, when formally declaring completion are encouraged to provide detailed information on the activities carried out throughout the duration of the mine action programme taking into account the elements included the draft table of content for a voluntary declaration of completion.

(b) In keeping with the traditional spirit of cooperation of the Convention, States Parties in a position to declare completion, are encouraged to employ the services of the Convention's Implementation Support Unit in the elaboration of the declaration of completion and consider sustaining a cooperative dialogue with the Committee on Article 5 Implementation concerning the content of the declaration of completion, which could lead to an enhanced declaration of completion.

14. The States Parties further reconfirmed that areas that are known or suspected to contain anti-personnel mines cannot be considered 'residual contamination' and must be addressed under the State Party's obligations under the Convention.³

15. At the Seventeenth Meeting of the States Parties, the States Parties reconfirmed their understanding that a State Party may, after declaring completion and after its original or extended deadlines to implement Article 5 have expired, in exceptional circumstances, discover a previously unknown mined area (as defined by Article 2.5 of the Convention), including a newly mined area, under its jurisdiction or control that is known or suspected to contain anti-personnel mines. In such circumstances States Parties will implement the rational response to such situation as adopted by States Parties at the Twelfth Meeting of the States Parties and highlighted in the document entitled "rational response" to mined areas discovered after original or extended deadlines to implement Article 5 have expired". Since the Third Review Conference, Mozambique and Ukraine found themselves in this specific situation having identified a previously unknown mined area/newly mined area following the expiration of their original or extended deadlines to implement Article 5.

16. Action 10 of the Maputo Action Plan obliges States Parties that have reported mined areas under their jurisdiction or control to provide mine risk reduction and education programmes targeting the most at-risk populations. Since the Third Review Conference, 29 of the 32 States Parties implementing Article 5 reported carrying out mine risk reduction and education programmes. During the thematic panels held during the 22-24 May 2019 intersessional meetings of the Convention, discussions highlighted the increased number of victims and the laying of new mined areas as well as the importance of ensuring that well-targeted, context-specific mine risk reduction and education programmes making use of relevant up-to-date technology and methodologies with a focus on gender and age are in place and that mine risk education programmes continue to be an important part of mine action and an essential activity to protect civilians. Discussions further emphasised the importance of prioritising risk education in mine action operations and linking risk education to survey, clearance and victim assistance operations as well as to national education systems and education in emergencies and refugee situations to ensure an effective response.

17. In 2015 countries adopted the 2030 Agenda for Sustainable Development and its 17 Sustainable Development Goals (SDGs). Since this time the States Parties have recognised the pivotal role of mine action in meeting the SDGs and in particular its role in supporting development and recovery efforts in States affected by conflicts. To this effect, the United Nations Development Programme (UNDP) and the Geneva International Centre for Humanitarian Demining (GICHD) conducted a study in 2017 that revealed that 16 SDGs are of direct or indirect relevance to mine action. The study further emphasised that while SDG 16 – Peace and Justice – is most directly relevant, the re-establishment of safe physical living environment is, however, not only an objective in itself, but also a precondition that makes possible development activities.

³ Ibid.

18. Likewise, the role of mine action in supporting humanitarian response has been increasingly highlighted along with the importance of building synergies between mine action and humanitarian and development actors to ensure an effective response to the threat presented by anti-personnel mines. This has included efforts, for example, to integrate mine action into relevant development plans as well as in all relevant Humanitarian Response Plans, both as a humanitarian protection activity in itself, and in support of humanitarian response activities.

II. Assisting the victims

19. At the Third Review Conference, the States Parties reemphasised their commitment to the full, equal and effective participation of mine victims in society. The States Parties recognised the importance of the commitments made under the Cartagena Action Plan and stressed that engagement in other domains is also necessary in view of the States Parties' understanding that victim assistance should be integrated into broader national policies, plans and legal frameworks related to the rights of persons with disabilities, health, education, employment, development and poverty reduction. Mine victims are rights holders under several international human rights instruments, including notably the Convention on the Rights of Persons with Disabilities (CRPD). The Maputo Action Plan contains seven actions specific to victim assistance (actions #12 through to #18). Through these actions, the States Parties committed themselves to address issues identified as being central to the provision of victim assistance.

20. Since the Third Review Conference, with the accession of Sri Lanka to the Convention, the number of States Parties that have reported a responsibility for significant number of mine survivors includes the following 30 States Parties: Afghanistan, Albania, Angola, Bosnia and Herzegovina, Burundi, Cambodia, Chad, Colombia, Croatia, Democratic Republic of the Congo, El Salvador, Eritrea, Ethiopia, Guinea Bissau, Iraq, Jordan, Mozambique, Nicaragua, Peru, Senegal, Serbia, Somalia, South Sudan, Sri Lanka, Sudan, Tajikistan, Thailand, Uganda, Yemen and Zimbabwe.

21. Since the Third Review Conference, most of these States Parties have reported progress in the implementation of all or some of the victim assistance actions of the Maputo Action Plan including having carried out data collection efforts and assessments of the needs of victims, put forward efforts to expand services, enacted legislation and implemented policies to support mine victims, carried out efforts to ensure inclusion and socio-economic reintegration of mine victims, having put in place interministerial coordination mechanisms and established victim assistance action plans, amongst other activities. The Committee on Victim Assistance has noted the importance of States Parties continuing to provide detailed information on progress in implementation as well as on challenges in progressing with implementation. Since the Third Review Conference, of the 30 States Parties which have indicated a responsibility for a significant number of mine survivors all but two of these States have reported information on progress in victim assistance: Guinea Bissau and Eritrea.

22. Since the Third Review Conference, the number of new victims from explosive ordnance globally has increased due primarily to the new use of anti-personnel mines of an improvised nature in states in conflict situations. States Parties have reported that some of the greatest challenges affecting their progress in implementing victim assistance efforts include the lack of inter-agency coordination, lack of reliable data, lack of services and technical expertise in remote areas, lack of financial and technical resources and lack of an overall awareness of the broader rights of mine survivors, amongst others.

23. At the Third Review Conference, the States Parties recognised the importance of data collection in order to assess needs and identify gaps in support and develop measurable plans containing time bound and measurable objectives. Since the Third Review Conference, a number of States Parties such as Albania, Cambodia, El Salvador, Jordan, Sudan and Tajikistan, amongst others, have reported having a system in place to carry out needs assessments which identify mine victims, register new victims and identify their needs and priorities, as well as challenges that hinder service delivery to mine victims.

Others have reported being in the process of conducting survey, verification and consolidation of data. While progress has been made in a number of States Parties, other States Parties have reported obstacles in carrying out this initial step and few States Parties had reported on time-bound and measurable objectives they seek to achieve through the implementation of national policies, plans and legal frameworks that will tangibly contribute, to the full, equal and effective participation of mine victims in society in accordance with Action 13 of the Maputo Action Plan.

24. During the thematic panels held during the 22-24 May 2019 intersessional meetings, discussions on victim assistance highlighted the importance of ensuring that ongoing injury surveillance systems are strengthened to monitor the physical impact of explosive ordnance and support the identification of at-risk populations, predict patterns and recognize risk factors. A critical aspect of this is ensuring that States ensure the collection of timely data on the physical impact of mines, disaggregated by effect, cause, age, sex, date, and location and that this data is operationalized in the response.

25. Since the Third Review Conference, a majority of the States Parties with responsibility for significant numbers of mine victims have invested efforts in developing inclusive plans of action, increasingly integrating victim assistance into broader plans related to disabilities, health and social welfares. For example, Thailand reported implementing a Master Plan for Mine Victim Assistance, which enhanced the integration of victim assistance provisions into policies and programmes of ministries of health and social development. Sudan has developed a comprehensive plan – National Strategic Framework on Victim Assistance for the period of 2016 to 2019 - and allocated substantial national resources for its implementation. Still others such as Iraq have reported being in the process of developing inclusive plans of action. However, a number of States Parties have reported challenges in achieving the full objectives of action plans primarily due to shortages in resources and technical capacities.

26. Since the Third Review Conference, many States Parties have reported progress in ensuring accessibility to services. One example is Tajikistan where efforts have been launched to remove physical barriers, by enforcing new accessibility standards not only in its capital but also in the different provinces including by training hundreds of architects and authorities responsible for constructions of public buildings in the country. Likewise, Iraq has been working on the expansion of rehabilitation support to mine survivors and all those in need, including by reconstruction of rehabilitation centres that have been damaged and developing national capacities throughout the country. A number of States Parties have continued to report challenges in ensuring accessibility of services as well as socio-economic reintegration support for mine survivors and persons with disabilities in remote areas.

27. Since the Third Review Conference, a number of States Parties have reported on efforts to strengthen inclusion and raise awareness of the needs of mine victims. Increased participation of mine survivors and other persons with disabilities as well as their representative organisations in victim assistance or disability programmes has been reported in a number of States Parties such as Afghanistan, Bosnia and Herzegovina, Cambodia, Colombia, El Salvador, Iraq, Mozambique, Peru, Senegal, Serbia and Sudan. This participation has been accepted as critical in ensuring the effective socio-economic reintegration of mine survivors into their communities.

28. The Sustainable Development Goals (SDGs) have been seen as highly complementary to a rights-based approach to victim assistance under the Convention, offering opportunities for continued efforts of strengthening collaboration between the Convention and other relevant frameworks that support mine victims and persons with disabilities. The States Parties have recognised the continued importance of increasing and consolidating synergies between the Convention and other instruments associated with health, development, disability, rule of law and human rights, amongst others.

29. Since the Third Review Conference, the Committee on Victim Assistance has continued its efforts to reach out to broader frameworks through their participation in meetings of the Human Rights Council, the World Health Assembly, and the Convention on the Rights of Persons with Disabilities. The Committee continued to promote the link of

victim assistance with broader frameworks by supporting recommendations being put forward by the WHO on matters such as assistive technology and emergency trauma care, as well as, for example, recommending the development of a general comment on Article 11 of the Convention on the Rights of People with Disabilities (CRPD).

30. Since the Third Review Conference, it has been increasingly recognised that a gender and age sensitive approach when collecting casualty data, and providing access and delivering services, is essential to effective victim assistance and to ensure that efforts are “leaving no-one behind.” However, it has also been recognised that the systematization of data collection and operationalization of information collected improved.

31. Since the Third Review Conference, a number of national stakeholder dialogues have been held to strengthen the national response to victim assistance and raise awareness of the rights of persons with disabilities, including mine survivors, acquired through wider rights recognition for protected groups, e.g. disability status. For example, Iraq, South Sudan and Uganda held national stakeholder meetings to look at the current status of victim assistance efforts, remaining challenges and to propose a way forward for implementation. The inclusive and participatory nature of these National stakeholder dialogues allowed for an important exchange of information between partners to determine the best manner in which to proceed with implementation. Some of the results have included the increased understanding and awareness of the rights-based approach to assistance to and matters related to persons with disabilities, including mine survivors, the importance of gender and age-based approaches, the relevance of timely data provided in disaggregated fashion and the need for affordable and accessible support. States Parties and participating organisations have expressed the value of these type of robust national dialogues.

32. Since the Third Review Conference, an increased number of States Parties are reporting in a manner disaggregated by gender and age and on efforts to integrate victim assistance into broader frameworks. Nonetheless, continued engagement with States Parties will be important to ensure that the trend continues and to continue ensuring rights-based approaches to victim assistance.

33. On the margins of the Seventeenth Meeting of the States Parties, the Committee on Victim Assistance held a Victim Assistance Experts Meeting focusing on the implementation of the Maputo Action Plan and in particular Action 15 which commits States Parties to, taking into account their own local, national and regional circumstances, “do their utmost to strengthen local capacities, enhance coordination with subnational entities as relevant and appropriate, and increase availability of and accessibility to appropriate comprehensive rehabilitation services, economic inclusion opportunities and social protection measures for all mine victims”. The Victim Assistance Experts Meeting was the first time the Committee had convened such a meeting since 2013. Participants highlighted the importance of hosting such events to promote the exchange of ideas and best practices with other victim assistance practitioners and accelerate implementation of the victim assistance commitments of the Convention.

34. Since 2018, the Implementation Support Unit (ISU) has been able to reinstitute its inter-ministerial process support to all relevant States Parties and has undertaken process support visits to Cambodia, Somalia, Sri Lanka and Zimbabwe. Process support aims to advance the State’s inter-ministerial efforts to establish SMART objectives and develop victim assistance plans. This work has been carried in coordination with the Committee on Victim Assistance.