

Meeting 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

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Item 13 of the provisional agenda

Consideration of requests submitted under Article 5

Conclusions Committee on Article 5 implementation (Chile, Costa Rica, Switzerland and Zambia)

I. Introduction

Activities of the Committee

1. The Committee met for the first time on 17 January 2017 to discuss its work plan for the year and has met regularly since. On 25 January 2017 the Committee wrote to the States Parties which indicated that they would need to submit a request for extension - Angola, Ecuador, Iraq, Thailand, Ukraine and Zimbabwe - to recall to them the process for requesting an extension established by the States Parties.
2. On 9 February 2017, the Committee organised an Informal Discussion on Reporting on the Implementation of Article 5 on the margins of the United Nations' annual meeting of mine action directors, in which directors of mine action programmes representing 12 States Parties participated. The Committee used the opportunity to build further awareness on the content and utility of the Guide to Reporting adopted by the Fourteenth Meeting of the States Parties and emphasise the importance of the information submitted by the States Parties for the implementation of the Committee's mandate.
3. During the United Nations' annual meeting of mine action directors, the Committee held bilateral meetings with representatives of the States Parties which indicated that they would need to submit a request for extension in 2017 - Angola, Iraq, Thailand, Ukraine and Zimbabwe - in order to discuss progress in the development and submission of their requests. In addition to meeting with these States, the Committee also met with Mauritania and Sudan to discuss their progress and challenges in implementing their mine clearance obligations.
4. On 3 March 2017, the Committee wrote to five State Parties - Eritrea, Ethiopia, Niger, Senegal - which were due to submit updated work plans and provide additional information as requested by decisions taken by Meetings of the States Parties on their requests for extension.
5. On 9 March 2017, the Committee held bilateral meetings with Eritrea, Ethiopia and Senegal in order to discuss progress in the development and submission of their updated work plans.
6. On 19 March 2017, the Committee wrote to the 32 States Parties in the process of implementing Article 5 obligations to recall the 30 April deadline for providing updated



information on implementation in accordance with Article 7 and to stress the importance of respecting this deadline, given the short timeframe between the deadline and the intersessional meetings of 8-9 June. The Committee also informed States Parties on how it would proceed in preparing preliminary observations for the intersessional meetings and encouraged the use of the Guide to Reporting.

7. On 5 April 2017, the Committee met with a delegation from Ukraine to continue its dialogue concerning the country's non-compliance with Article 5 of the Convention. The Committee urged Ukraine to submit a request for extension of its Article 5 deadline as soon as possible in order for the Committee to begin its work of analysis of the request in accordance with the decision of the Fifteenth Meeting of the States Parties on Ukraine.

8. On 2 May 2017, the Committee sent a letter to States Parties and interested organisations to inform them of the receipt of requests for extension submitted by Ecuador, Iraq, Thailand and Zimbabwe.

9. On 9 May 2017, the Committee reached out to expert organisations to request input on requests for extension submitted to date, in accordance with the process established by the States Parties for the analysis of requests.

10. On 9 May 2017, the Committee met with Mozambique, a State Party which declared completion in 2015 but which has since discovered a previously unknown mined area. The Committee recalled to Mozambique the decision of the Twelfth Meeting of the States Parties concerning situations in which States Parties discover previously unknown mined areas after deadlines have passed.

11. On 10 May 2017, the Committee wrote to States Parties with deadlines in 2019 – Bosnia and Herzegovina, Croatia, Cyprus, Serbia, Sudan and the United Kingdom – recalling to them the process for requesting an extension, should they find themselves in a situation where they will not be able to fulfil their obligations under Article 5 by their respective deadlines.

12. On 19 May 2017, the Committee sent a letter to States Parties and interested organisations to inform them of the receipt of the request for extension submitted by Angola.

13. During the 8-9 June intersessional meetings, the Committee presented its preliminary observations to States Parties. States Parties concerned were requested to provide relevant updates or corrections so that conclusions can be developed by the Committee for the Sixteenth Meeting of the States Parties (16MSP).

14. During the 8-9 June intersessional meetings, the Committee had bilateral meetings with four States Parties that submitted extension requests – Ecuador, Iraq, Thailand and Zimbabwe – to transmit questions on their requests based on their initial assessment and expert input. The Committee also met with States Parties that had not submitted updated work plans based on previous decisions on their requests (Ethiopia and Niger). The Committee met with a third State Parties that submitted an updated work plan (Senegal).

15. The Committee also met with Ukraine to continue its dialogue concerning Ukraine's status of non-compliance. The Committee reiterated its readiness to support Ukraine and its call to urgently submit its extension request.

16. On 30 June 2017, the Committee wrote to States Parties that had not reported on progress made in the implementation of Article 5 within their Article 7 transparency reports (Angola, Eritrea, Niger, Peru, Somalia and the Democratic Republic of the Congo) to encourage them to submit their Article 7 transparency reports as soon as possible. The Committee also wrote to States Parties which had submitted information on progress made in the implementation of Article 5 within their Article 7 transparency reports to request any additional information. The Committee requested that the information be submitted by 4 August 2017.

17. On 30 June 2017, the Committee wrote to States Parties that had not submitted updated work plans (Eritrea, Ethiopia and Niger) to request that they do so as soon as possible but no later than 1 August 2017. In addition, the Committee wrote to Senegal concerning information submitted in their updated work plan.

18. On 30 June 2017, and in follow-up to the bilateral meetings held during the intersessional meetings, the Committee wrote to States Parties that submitted requests for extension to transmit their questions and comments on the respective requests. Additionally, the Committee wrote to Ukraine to recall the bilateral meeting held with the Committee during the intersessional meetings taking the opportunity to reiterate the offer of the Committee's support and urging Ukraine to submit its request as soon as possible.

19. On 4 September 2017, in the margins of the Seventh Meeting of the States Parties of the Convention on Cluster Munitions, the Committee met with Mozambique to discuss the situation in Mozambique concerning its efforts to address previously unknown mined areas encouraging close and ongoing communication between the Committee and Mozambique in the lead up to the 16MSP. Furthermore, on 5 September, the Committee met with Angola to learn about the status of their revised extension request and to urge Angola to submit its revised extension request as soon as possible to permit a sound analysis by the Committee.

20. Over the course of September, the Committee finalised its conclusions and recommendations on the implementation of Article 5 by States Parties and its work on preparing analysis of each requests for extended deadlines under Article 5 submitted by States Parties. In drafting its conclusions and recommendations the Committee followed the same methodology employed by the Committee in 2016.

II. Information provided by States Parties on Article 5 implementation

21. At the close of the Fifteenth Meeting of the States Parties (15MSP), 32 States Parties had reported having an obligation under Article 5 of the Convention. Since the 15MSP:

- Algeria has reported having fulfilled its obligations under Article 5 of the Convention;
- Mozambique has indicated having identified previously unknown mined areas under its jurisdiction or control.

22. Of the 32 States Parties in the process of fulfilling obligations under Article 5, until 15 August 2017, the following had provided information on progress in implementation:

(a) 27 States Parties submitted Article 7 transparency reports containing updated information on implementation of Article 5: Afghanistan, Argentina, Bosnia and Herzegovina, Cambodia, Chad, Chile, Colombia, Croatia, Cyprus, Ecuador, Ethiopia, Iraq, Mauritania, Mozambique, Oman, Peru, Senegal, Serbia, South Sudan, Sudan, Tajikistan, Thailand, Turkey, Ukraine, the United Kingdom, Yemen and Zimbabwe;

(b) Of the four States Parties that were due to submit updated work plans pursuant to decisions taken on their requests for extended deadlines – Eritrea, Ethiopia, Niger and Senegal – only one State Party – Senegal – submitted an updated work plan;

(c) Of the six States Parties that indicated they would need to submit a request for extension for consideration of the Sixteenth Meeting of the States Parties – Angola, Ecuador, Iraq, Thailand, Ukraine and Zimbabwe – five submitted requests for extension – Angola, Ecuador, Iraq, Thailand and Zimbabwe. Subsequent to discussions between the States Parties and the Committee, these five States submitted revised requests for extension;

(d) In spite of the Committee's best efforts and sustained dialogue since the Fifteenth Meeting of the States Parties, as of 15 September 2017, Ukraine has still not submitted a request for extension in accordance with the decision of the Fifteenth Meeting of the States Parties and the extension request process established by the Seventh Meeting of the States Parties.

23. Of the 32 States Parties which have reported that they were still in the process of implementing Article 5 of the Convention, as of 15 August 2017, 5 did not submit article 7 reports to update information on areas known or suspected to contain anti-personnel mines and on measures to address these areas: Angola, Democratic Republic of the Congo, Eritrea, Niger and Somalia.

III. Conclusions of a general nature

24. The Committee concluded that by engaging directly with States Parties, the number and quality of Article 7 reports could be further increased. 2017 has seen an increase in reporting as four additional States Parties with Article 5 obligations as compared with 2016 (23 States reported in 2016) provided reports. The Committee observed that the five States Parties that did not report in 2017 had also failed to report in 2016 and 2015 and concluded that a specific engagement will be required with these States Parties.

25. The Committee observed that, of the 32 States Parties that are in the process of implementing Article 5, few have submitted reports by the deadline of 30 April. The Committee further observed that, despite efforts to encourage its use, more than half of States Parties with Article 5 obligations have not used the Guide to Reporting which could be of considerable assistance in providing clarity concerning progress and status in implementing Article 5 commitments. The Committee concluded that additional efforts are required to engage with States Parties at an early date to ensure timely and qualitative submission of Article 7 reports.

26. The Committee was grateful for – Afghanistan, Argentina, Cambodia, Chile, Ecuador, Mauritania, South Sudan, Sudan, Senegal, Serbia, Tajikistan, Thailand, Turkey, Yemen and Zimbabwe – having employed parts of the Guide to Reporting to provide as much clarity as possible concerning their remaining challenge and progress made.

27. The Committee continues to be concerned about States Parties with Article 5 obligations that have not submitted Article 7 transparency reports (Angola, Democratic Republic of the Congo, Eritrea, Niger and Somalia). The Committee recalls that of these States Parties, Angola, the Democratic Republic of the Congo, Eritrea, Niger and Somalia, also failed to submit Article 7 transparency reports in 2016. The Committee recalls that the submission of an Article 7 report on an annual basis is an obligation under the Convention and it is even more important given that these States Parties are implementing core obligations under the Convention.

28. The Committee observed that some States Parties have not yet adopted the most relevant land release standards, policies and methodologies, in line with the International Mine Action Standards (IMAS) and in a manner consistent with Action #9 of the Maputo Action Plan. The Committee also observed that amendments made by States Parties to their national standards are not always shared in accordance with Action #9. The Committee concluded that direct engagement with concerned States Parties is needed to ensure the implementation of the IMAS and remedy the lack of transparency.

29. The Committee observed that in a number of cases progress in implementation could be more clearly presented if all States implementing Article 5 obligations used terminology contained within, and in a manner consistent with, the IMAS (e.g. “confirmed hazardous area”, “suspected hazardous area”; disaggregating 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). The Committee concluded that direct engagement with concerned States Parties is needed to ensure the proper use of this terminology.

30. The Committee observed that a number of States Parties could provide additional clarity regarding their remaining challenge by providing a list of the remaining areas known or suspected to contain anti-personnel mines in each county and with this list including the estimated size of each area, the status of each area (i.e., “known” or “suspected”) and information on the geographic location of each area in conformity with the Guide to Reporting. The Committee concluded that direct engagement with concerned States Parties is needed to increase clarity.

31. The Committee observed that a number of States Parties continue to face challenges in implementing their Article 5 commitments due to a number of factors including large areas pending to be addressed, funding challenges and security concerns. The Committee concluded that it is essential for States Parties to continue to clearly report on the challenges they face in implementing their Article 5 commitments. The Committee further concluded

that States Parties facing challenges in implementation could consider taking part in the Convention's *individualized approach* led by the Committee on the Enhancement of Cooperation and Assistance.

32. The Committee observed that, in addition to anti-personnel mines, a number of States Parties face challenges associated with other explosive remnants of war and UXOs. In these States Parties, efforts to implement Article 5 are only part of the totality of efforts required to address explosive hazards. The Committee concluded that, this being the case, it is important that States Parties continue to disaggregate their contamination in order to ensure clarity concerning the remaining challenge.

33. In recognising that the definition of an "anti-personnel mine" makes no reference to it being manufactured or "improvised", the Committee concluded that it is important that States Parties affected by these type of anti-personnel mines include them as part of their overall Article 5 implementation challenge.

34. The Committee recalls that the decision of the Twelfth Meeting of the States Parties concerning situations in which a State Party discovers mined areas, including newly mined areas, after its original or extended deadline to implement Article 5 has expired is pertinent and must be applied by States Parties finding themselves in situations foreseen by that decision.

35. Acknowledging the valuable contribution of the Anti-Personnel Mine Ban Convention's Implementation Support Unit, the Committee concluded that States Parties requiring assistance are best served by directly engaging with the ISU in order to benefit from its advice and support in matters concerning the implementation of Article 5.

Table 1
Status of implementation of Article 5 of the Convention¹

State Party	Total released in 2016 (square metres)				Remaining challenge as of 2016 (square metres)		
	Cancelled	Reduced	Cleared	Total	Suspected Hazardous Area	Confirmed Hazardous Area	Total
Afghanistan	3, 055,110	449,116	27, 121,910	30, 626,136	84, 449,815	147, 664,998	232, 114,813
Angola ²					103, 970,384	141, 057,978	245, 028,362
Argentina ³							
Bosnia & Herzegovina ⁴	46, 943,820	10, 391,001	1, 335,179	58, 670,000	1, 091,000	315, 575,000	316, 666,000
Cambodia				132, 284,116			2, 342, 137,953
Chad				649,432			104, 542,233 ⁵
Chile			3, 523,646	3, 523,646	3, 144,778	2, 506,312	5, 651,090
Colombia			287,661	287,661	51, 244,350	0	51, 244,350
Croatia	3, 204,465		38, 263,980	41, 468,445	446, 600,000	0	446, 600,000 ⁶
Cyprus ⁷							
Democratic Republic of Congo ⁸							
Ecuador	3,267		1,410	4,677	100,496	0	100,496
Eritrea ⁹							
Ethiopia ¹⁰							
Iraq				28, 825,692	232, 009,310	963, 556,422	1, 195, 565,732 ¹¹
Mauritania						1, 000,000	1, 000,000
Mozambique							1,881
Niger ¹²							
Oman							
Peru	4,784	25,747.51	18,317.24	48,848.75			426,325
Senegal			58,494	58,494	0	529,027.276	529,027.276
Serbia					2, 630,340	0	2, 630,340
Somalia ¹³							
South Sudan	17, 166,302	71,399	10, 538,076	27, 775,777	80, 904,786		80, 904,786

<i>State Party</i>	<i>Total released in 2016 (square metres)</i>				<i>Remaining challenge as of 2016 (square metres)</i>		
	Cancelled	Reduced	Cleared	Total	Suspected Hazardous Area	Confirmed Hazardous Area	Total
Sudan	1, 503,676	2, 337,945	1, 044,104	4, 885,725	2, 604,237	16, 533,048	19, 137,285
Tajikistan	659,436	294,835	496,796	1, 451,067	1,970,000	7,764,256	9, 734,256
Thailand	27, 728,657	71,537	394,238	28, 194,432	422, 605,172	0	422, 605,172
Turkey			122,764	122,764			172, 565,239
Ukraine ¹⁴							
United Kingdom ¹⁵							
Yemen ¹⁶				4, 703,279			323, 480,306
Zimbabwe	6, 297,977	3, 179,056	1, 671,315	11, 148,348	0	66, 230,103	66, 230,103
Total	106, 567,494	16, 820, 636.51	84, 877, 890.24	374, 728, 539.75 ¹⁷	1, 433, 324, 668	1, 662, 417, 144.28	6, 038, 893, 868.28 ¹⁸

Table 2
Status of implementation of Maputo Action Plan (MAP) Actions #8-11¹⁹

<i>State Party</i>	<i>Article 7 transparency report submitted in 2017</i>	<i>Level of clarity²⁰ on the remaining implementation challenge (Action #8)</i>	<i>Reported on the establishment and application of the most relevant land release standards, policies and methodologies (Action #9)</i>	<i>Reported on the provision of mine risk reduction and education programmes (Action #10)</i>	<i>Use of the Guide to Reporting in the preparation of Article 7 report submitted in 2017</i>
Afghanistan	√	High degree of clarity	√	√	√
Angola					
Argentina	√				√
Bosnia & Herzegovina	√	Clarity	√	√	
Cambodia	√	Some clarity	√	√	√
Chad	√	Some clarity		√	
Chile	√	High degree of clarity		√	√
Colombia	√	Some clarity	√	√	√
Croatia	√	Some clarity	√	√	
Cyprus	√				
Democratic Republic of Congo					
Ecuador	√	High degree of clarity	√	√	√
Eritrea					
Ethiopia	√	Some clarity	√		
Iraq	√	Clarity	√	√	
Mauritania	√	High degree of clarity	√	√	√
Niger					
Oman	√				
Peru	√	High degree of clarity			

<i>State Party</i>	<i>Article 7 transparency report submitted in 2017</i>	<i>Level of clarity²⁰ on the remaining implementation challenge (Action #8)</i>	<i>Reported on the establishment and application of the most relevant land release standards, policies and methodologies (Action #9)</i>	<i>Reported on the provision of mine risk reduction and education programmes (Action #10)</i>	<i>Use of the Guide to Reporting in the preparation of Article 7 report submitted in 2017</i>
Senegal	√	Some clarity	√	√	√
Serbia	√	High degree of clarity	√	√	√
Somalia					
South Sudan	√	Clarity	√	√	√
Sudan	√	High degree of clarity	√	√	√
Tajikistan	√	High degree of clarity	√	√	√
Thailand	√	High degree of clarity	√	√	√
Turkey	√	Some clarity	√	√	√
Ukraine	√	Clarity			
United Kingdom	√	Some clarity	√	√	
Yemen	√	Clarity	√	√	√
Zimbabwe	√	High degree of clarity	√	√	√

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- 1 Source: Information provided by States Parties in their Article 7 reports submitted until 5 October 2017, unless otherwise noted.
 - 2 Angola's Article 5 extension request submitted on 11 May 2017.
 - 3 In 2010, Argentina reported that the sole circumstance that impeded the ability of Argentina to destroy all anti-personnel mines in mined areas that it has reported to be under its jurisdiction or control was that Argentina had indicated that it did not have effective control over the areas in question.
 - 4 Bosnia and Herzegovina reported progress and remaining challenge in kilometres squared. These figures have been converted to metres squared for the purpose of this table.
 - 5 Chad's provisional plan of action 2014-2019 indicates that, as of May 2014, 123 areas known or suspected to contain anti-personnel mines totalling 104,542,233 square metres remained to be addressed and that part of northern Tibesti remained to be surveyed.
 - 6 Croatia reported progress and remaining challenge in kilometres squared. These figures have been converted to metres squared for the purpose of this table.
 - 7 Cyprus reported that the sole circumstance that impeded the ability of Cyprus, to destroy all anti-personnel mines in mined areas that it has reported to be under its jurisdiction or control was that Cyprus had indicated that it did not have effective control over the remaining areas in question.
 - 8 The Democratic Republic of Congo did not submit an Article 7 report for calendar year 2016.
 - 9 Eritrea did not submit an Article 7 report for calendar year 2016.
 - 10 Ethiopia's Article 7 report indicates the identification and destruction of 30 items of ordnance, including 10 ATMs and 20 UXOs were destroyed. However, the report does not include information on the amount of land addressed.
 - 11 Information on remaining challenge retrieved from Iraq's Article 5 extension request submitted on 28 August 2017.
 - 12 Niger did not submit an Article 7 report for calendar year 2016.
 - 13 Somalia did not submit an Article 7 report for calendar year 2016.
 - 14 At the 15MSP, Ukraine reported that over the period 2015-2016, it cleared and / or verified a total of 200,000,000 square metres.
 - 15 The United Kingdom's Article 7 report indicates clearance of 25 SHAs as well as a non-minefield area. However, the report does not include information on the amount of land addressed.
 - 16 Yemen's reporting period is as given in its Article 7 Report, 1 April 2016 - 31 March 2017.
 - 17 The total of this column is not the cumulative total of the columns concerning suspected and confirmed hazardous areas given that some States Parties have not presented information on areas released in a disaggregated manner.
 - 18 The total of this column is not the cumulative total of the columns concerning suspected and confirmed hazardous areas given that some States Parties have not presented information on the remaining challenge in a disaggregated manner.
 - 19 Source: information provided by States Parties in their Article 7 Reports submitted until 5 October 2017, unless otherwise noted.
 - 20 In accordance with the methodology described in part I of "Preliminary Observations of the Committee on Article 5 Implementation".
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