

STRENGTHENING INTERNATIONAL ASSISTANCE AND COOPERATION FOR MINE CLEARANCEⁱ

Discussion paper

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Introduction:

1. Article 5.1 of the Anti-personnel Mine Ban Convention states that “Each state party undertakes to destroy or ensure the destruction of all anti-personnel mines in areas under its jurisdiction or control, as soon as possible, but no later than ten years after entry into force of this convention for that state party.”
2. By June 2010, 16 States Parties have declared themselves mine-free in accordance with the Article 5.1 requirement. However, large mine problems remain and 38 States Parties still have Article 5.1 obligations. 32 of these have indicated a need for assistance in fulfilling their obligationsⁱⁱ.
3. Mine clearance is at a critical juncture. Projected costs only for Article 5 extension requests total roughly \$2.78 billion for the period 2009–2019ⁱⁱⁱ. Several States Parties with Article 5 obligations as well as mine clearance operators report problems in mobilising resources for mine clearance. At the same time many traditional supporters of mine action may reduce contributions dedicated to mine clearance due to changing priorities and unprecedented financial challenges^{iv}.
4. The gap between projected needs and anticipated contributions poses several challenges for the efforts to ensure compliance with Article 5.1. Many actors in the implementation community, states, international organisations and civil society organisations has identified lack of adequate resources and predictability in funding for mine clearance as key obstacles for clearing the remaining mined areas.
5. The need for securing adequate and predictable funding for mine clearance has been on the agenda at probably all formal and informal meetings of the convention. At the same time funding for mine clearance has been generous, at least when compared to other sectors of humanitarian action.
6. In the first decade since entry into force mine action as a sector has received some USD 3,7 billion^v in international assistance. This is a significant figure in international humanitarian assistance. According to one estimate, international assistance for mine action in 2008 represented a significant share of the total funding provided for international emergency assistance the same year^{vi}.
7. The increasing gap between stated needs and available funding for mine clearance shows the importance of Article 6 on International Cooperation and Assistance. The way States Parties choose to implement this article will determine whether it will be left to individual implementation actors; affected States Parties and clearance operators, to tackle this challenge or if the Convention can be an arena for developing effective collective responses.

8. At the Cartagena Summit, several States Parties and other actors called for more focus on Article 6, including the establishment of a new standing committee. Independent of that decision, experience from previous resource discussions of the Convention calls for some critical reflection on how to best structure such future discussions.

Implementing Article 5:

9. After 15 years of conducting humanitarian mine clearance and a decade of implementing the Convention, States Parties and mine clearance operators have come far in their understanding of the challenges posed by the obligation to “clear all mined areas”. Similarly, the same community has made impressive progress in making mine clearance more effective and efficient. As a result, the size of cleared mined areas annually has increased substantially, and with increased productivity.
10. Article 5 implementation challenges and some of the responses to them are well summed up in the Cartagena Review, in particular in paragraphs 79 – 89. Such challenges include the persistent problem of defining the precise locations of the minefields despite massive investments made in surveys and the potential for an increase in productivity by employing a wide range of land release methods.
11. States Parties have defined priorities for Article 5 implementation in the coming five years with actions # 13 - 21 in the Cartagena Action Plan. Action 14 has the nearest deadline – it calls on States Parties with Article 5 obligations to identify the precise locations and perimeters of all mined or suspected mined areas under their jurisdiction and control and report this to the upcoming 10th Meeting of the States Parties.

The Article 6 framework:

12. Article 6.1 provides States Parties with Article 5 obligations with the rights to seek and receive international cooperation and assistance to fulfil these obligations. Article 6.4 requires states in a position to do so to provide assistance for mine clearance and related activities. The qualifier “..in a position to do so” is not defined, but should be understood in the context of the wide range of opportunities to provide technical, financial and other forms of cooperation and assistance described in Article 6.2, 6.4 and 6.6.
13. The practical challenges of implementing Article 6 in support of mine clearance of the past five years are summed up in paragraphs 169 – 177 and 180 – 181 in the Cartagena Review. The Review identifies several factors that will define the efforts for mobilising resources for mine clearance in the coming five years, including the problem of allocating resources towards needs, the potentials and risks of integrating mine clearance into broader development efforts and assistance and the importance of continued dedicated mine clearance funding. The Review also provides an operational definition of national ownership – as defined by mine action leaders in affected states parties.
14. States Parties agreed to a set of priorities in the implementation of Article 6 in the Cartagena Action Plan. Together with the definition of national ownership from the Review and the Actions on Article 5 they constitute a roadmap for practical implementation of Article 6 in support of mine clearance.

The Cartagena roadmap for implementing Articles 5 and 6:

15. Taking national ownership of the Article 5.1 challenge as a starting point, the Cartagena documents provide States Parties and other implementation actors with ample guidance on the sequence of actions and expectations to different actors. They also indicate the wide range of forms non-fiscal cooperation, and thus help to expand the understanding of what it means to be “in a position to do so”.

Claim national ownership

16. In the Cartagena Review States Parties agreed to an operational definition of what national ownership of Article 5 challenges entails for a mine-affected state:
 - a. high level interest and leadership in fulfilling mine clearance obligations,
 - b. a national authority empowered and provided with the human, financial and material capacity to carry out its responsibilities,
 - c. a clear understanding of the size, location and quality of the Article 5 implementation challenge or a commitment to promptly acquire such an understanding,
 - d. a realistic but not unambitious plan to complete implementation of Article 5 as soon as possible and,
 - e. a regular significant national financial commitment to the State’s own humanitarian demining programme.

Identify the task

17. Cartagena Action # 14 states the need to clarify the task: “Identify, ..., the precise perimeters and locations, to the extent possible, of all areas under their jurisdiction or control in which antipersonnel mines are known or are suspected to be emplaced...”.

Map the resources needed to address the task

18. Cartagena Action # 34 calls for mapping the resource needs to address the problem: “Without delay;...map the national resources available to meet their obligations and the needs for international cooperation and assistance”.

Communicate the needs for international cooperation and assistance

19. Cartagena Action # 35 calls on the states that need international support to: “Make their needs known to other States Parties and relevant organisations if they require financial, technical or other forms of international cooperation and assistance to meet obligations under the Convention..” .

Make the case

20. Cartagena Action # 35 calls on affected states seeking support to ensure that mine clearance is identified “... as a priority in relevant development goals and strategies”. In the same vein,

Cartagena Action # 50 calls on all States Parties to: "...continue to promote the inclusion of mine action activities into ongoing development programmes,... and to promote the identification of mine action as a priority in local, national and international development actions, in cooperation with regional and international organizations and the international financial institutions."

Respond to the needs

21. Cartagena Actions # 37 and # 38 calls on all States Parties in a position to do so to: "Promptly assist States Parties that have communicated needs for support... responding to the priorities for assistance as articulated by mine affected States Parties themselves in their national plans and ensuring the continuity and sustainability of resource commitments".
22. Further to continue to "Support specialised mine action programmes, providing where possible multiyear funding to facilitate long-term planning of mine action programmes, ..., and ensuring that mine action remains a high priority, including in broader humanitarian, development assistance, disarmament and security programmes."

Seek peer support

23. Recognising that Article 6 concerns more than financial assistance, Cartagena Action # 36 calls for increased cooperation between affected states parties by promoting "...technical cooperation, information exchange on good practices and other forms of mutual assistance with other affected States Parties to take advantage of the knowledge and expertise acquired in the course of fulfilling their obligations. "
24. States Parties have committed themselves to these recommendations with the full support of all the other implementation actors, such as the United Nations, the ICRC, and the ICBL. The key question is how these general principles can be reflected in actual and specific priority-setting and decision-making among all these implementation actors.

The resource discussion:

25. For many years the resource debate has had a focus on the volume of international assistance, measured in dollar contributions to mine clearance annually. Less importance has been given to the manner in which assistance is structured and allocated, and to how it may better meet prioritized needs in affected areas. Aspects of this have been addressed in the informal Contact Groups, which have been important arenas for more in-depth-discussions on specific issues.
26. Mapping financial requests for and contributions to mine clearance produces a good measure of the attention and importance given to the problem that is easy to communicate and compare over time. But it does not provide information that can help to determine how needs in affected States Parties can be matched with relevant resources. Therefore meaningful discussions on Article 6 must have a broader scope than just money and move towards a better understanding of what effective and efficient international cooperation entails.

New approaches

27. Funding for mine clearance may decline over the coming years. This will force a re-prioritization and more targeted allocation of finances. Reduced funding will be a threat to many clearance

operations but it may also represent a critical opportunity to re-think forms of cooperation that can lead to more effective and resource-efficient implementation of Article 5 obligations. The implementation community has done this before and the land release recommendations adopted by States Parties at the Ninth Meeting of the States Parties provide a good example.

28. The land release paper^{vii} illustrates how targeted cooperation between key implementation actors can lead to significant productivity gains for all. The paper was developed through a series of formal implementation meetings and informal consultations between States Parties and experts from the UN, the ICBL, the ISU and the GICHD conducted over some time. The process was partly driven by NGO-operators who wanted formal recognition of the methods they used, partly by the implementation and technical experts and partly by individual States Parties concerned with making Article 5 implementation more effective and efficient.
29. The process was firmly located within formal decisions made at several MSPs before it was concluded at the 9MSP. The process demonstrates the value of involving all stakeholders even if it may take both extra time and efforts. While individual States Parties and clearance actors had developed and applied these methods in their own activities, no single mine action actor could have delivered a "tool" with similar productivity impact for overall Article 5 compliance.
30. The process also indicates the responsiveness and hands-on approach to the subject matter of the Convention's implementation machinery. For States Parties and the other implementation actors the formal and informal meetings of the Convention is the best possible arena for developing new, relevant and collective responses to the resource challenges.
31. UNDPs' *Completion Initiative* is another example on how new ways of structuring support and operations can result in faster Article 5 compliance. In Zambia, Malawi and Albania, UNDP helped to facilitate a concerted effort among stakeholders with relatively modest allocations of funds to flexible and multi-skilled teams, that yielded results which could not have been achieved with the same cost-effectiveness and in the same time frame if a more traditional and linear approach to undertaking survey then clearance had been undertaken.
32. In Mozambique, the government is similarly shifting its focus from more traditional approaches to the problem of 'clearance' to more survey based methods for releasing land. This change in operational focus is beginning to yield positive results, not the least being the shift to a mine action programme that is more flexible and better tailored to the actual extent of the problem. With this approach Mozambique is much better positioned to meet its commitments in a timely manner than if it had remain structured around more linear approaches to the problem.
33. The application of similar methods, involving several implementation actors, to countries with smaller problems can yield surprising and very successful results. The process may not be appropriate in all contexts, but what is clear is that flexibility in the nature and type of assets to be deployed is key to the success of a project. Similarly commitments by donors and implementing partners to be equally committed and flexible in their approach will enable compliance with Article 5 to be achieved in a greater number of countries and in a shorter duration than might initially be expected.

Partnerships and coordination

34. Developing new and strengthened partnerships for resource mobilization, whether financial or other types of resources, requires re-thinking of coordination and resource mobilization

arrangements. Mine clearance is an arena where states, international organizations, global and national private companies and NGOs interact and cooperate in a more or less coordinated manner to support, plan and undertake the work. The need for improved coordination among those providing assistance has been identified by several as a key to efficient distribution and use of resources.

35. Any discussion on coordination of cooperation and assistance needs to be properly contextualized and it is important to be precise with regard to levels, actors and purposes. While there may be a rational argument for having the top providers of support for mine clearance to coordinate their allocation of resources according to real needs on the ground, this is not a realistic goal. It will therefore be more productive to explore other areas where improved coordination of cooperation and assistance could lead to more effective and efficient article 5 implementation.
36. By defining coordination of assistance and cooperation as an aspect of the two building blocks of the convention; national ownership and international partnerships, the discourse changes from one of donor priorities to one of partner responsibilities. Then the challenge of coordination would be to ensure that contributions to mine clearance reinforce that State Party's capacity to implement Article 5 as effectively as possible.

Developing an agenda for Article 6 discussions:

37. Article 5 implementation requires a multitude of inputs. Money is a crucial and necessary input – but not sufficient. Article 6 discussions must therefore go beyond tracking money spent and requested. Identifying the central issues and structuring the discussions in ways that both reflect those issues and has relevance for the development of common responses to the resource challenges ahead will be key to the success of these efforts. The list of questions below reflects some questions and concerns raised by States Parties and other implementation actors over the years. Undoubtedly the list will evolve and expand as the discussion unfolds.
38. These are not new issues, but many of them have been discussed mostly on a general and conceptual level that in many instances can be too far removed from the real challenges experienced by both national authorities and clearance actors working on the ground. Structuring such discussions around the actual needs in specific States Parties could be one way to make them more relevant for the basic challenge - how to match needs with resources?

Questions for consideration to enhance international cooperation and assistance in relation to mine clearance efforts:

- *The Convention is founded on partnerships – between states, international organisations and NGOs – and between those affected and those in a position to assist, at the international level, at the national level as well as at community levels. How can we make these partnerships more effective in support of Article 5 implementation?*
- *The States Parties have defined national ownership and recognised that it is essential for effective implementation of Article 5. In Cartagena, the States Parties in the process of implementing Article 5 committed to take full national ownership of their Article 5 obligations and set out concrete, time bound steps to be taken in this regard, including the development of national strategies, policies, plans and legal frameworks. What are the impediments to national ownership and how can they be overcome?*

- *How can States Parties in a position to assist, the UN and NGOs contribute to strengthening national ownership? Are particular mechanisms for funding, partnerships, capacity building and coordination more conducive to facilitating national ownership than others? Can efforts be made to increase the efficiency of various funding mechanisms and increase speed of the flow of funds through these mechanisms?*
- *The distribution of resources for mine clearance is uneven. Over the past years a few states have received relatively large proportions of total funding for mine clearance compared to the larger group of affected States Parties. What can we do to ensure that the distribution of resources better reflects actual needs?*
- *The expected decline in international funding for mine action over the coming five years means that States Parties with Article 5 obligations have to both find new sources of support and spend money more efficiently. Technical cooperation, in-kind contributions and increased South-South cooperation could contribute to sustained and perhaps more efficient Article 5 implementation. How can States Parties, the UN and NGOs increase efficiency and improve cooperation in support of Article 5 implementation? How can non-traditional actors, for example from the private sector, support Article 5 efforts?*
- *Discussions on resources for Article 5 implementation have often focussed on financial contributions in support of global mine action, but there is a need to move beyond this focus and also explore other forms of cooperation to meet Article 5 implementation challenges. How should we structure future discussions in order to reflect these challenges?*

ⁱ In this paper, the term mine clearance is used to denote the full range of activities undertaken to ensure that mined or suspected mined areas no longer are dangerous due to the presence of anti-personnel mines.

ⁱⁱ This paper does not address the challenge of securing support for mine clearance in areas outside the jurisdiction or control of States Parties. While this issue clearly belongs in the discussion on how to secure support for mine clearance, it falls outside the parameters of this discussion paper.

ⁱⁱⁱ Landmine Monitor 2009

^{iv} ICBL-GICHD, 2009: "Mine Action Funding: Trends and Future Prospects"

^v Landmine Monitor 2009

^{vi} The figures are of course not directly comparable, but provide an indication. The report "The state of the international humanitarian system 2010" (ALNAP 2010) presents an estimate of 6,6 billion USD channelled towards emergency assistance in 2008. Landmine Monitor 2009 puts global support for mine action in 2008 at 518 million USD.

^{vii} See the Cartagena Review report, paragraphs 80 – 84 for more details on this.