

2. Co-Chairs
overview of
the status of
implementation

The status of the implementation of Article 5

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(Argentina and Australia)

27 May 2009

With just six months remaining before the Convention's Second Review Conference, it is time that we took stock of what has been achieved since Nairobi and what our priorities shall be for the period that follows the Cartagena Summit on a Mine-Free World.

When looking back to Nairobi, it is remarkable how much prominence implementation and compliance with Article 5 now has in the Convention's work. In Nairobi, we still knew little about the nature and extent of the challenge faced by many States Parties implementing Article 5. Nevertheless, we had the self-confidence to express in the Nairobi Action Plan that we would "strive to ensure that few, if any, States Parties will feel compelled to request an extension in accordance with the procedure set out in Article 5.

We are now, perhaps sadly, wiser. While 10 States Parties have reported having completed implementation of Article 5, 18 have requested extensions on their deadlines, 15 in 2008 and three in 2009. Six of these States Parties have felt it necessary to request the maximum extension period of an additional 10 years. Clearly implementation of Article 5 will demand our attention, effort and support for the long haul.

We have been faced with a range of difficult and varied impediments to fulfilling Article 5 obligations, many clearly spelt out in extension requests. These have included delays in commencing demining and a slow pace of work in some instances, inaccurate and overstated estimates of landmine contamination, disputed territory or borders, problems of access and – often most importantly – a lack of resources.

However, there is light at the end of the tunnel. Progress has been made and continues to be made. We would like to outline what in our view we have achieved since the First Review Conference and what lies ahead.

What has been achieved since the First Review Conference?

First: We now have a much clearer understanding of what it means to implement Article 5. We have defied our detractors by making it clear that implementation of Article 5 is possible and that it is realistic to think that we can end the landmine era. To clarify and assure transparency in completion, we have adopted a model declaration of completion, which now has been used by several States Parties.

Second: For those States Parties that believe they will be unable to complete Article 5 implementation in a 10-year period, there is now a transparent and vigorous process for preparing, submitting, analyzing and considering requests. This process aims to maintain the integrity of Convention. And it reinforces cooperation and assistance, which is a pillar of our Convention. We are particularly pleased with how many States Parties have used the extension request process to reinvigorate their national demining efforts, assuring a clear account of what remains to be done and developing plans to achieve completion.

Third: We have a clearer grasp of mistakes made, particularly in identifying mined areas and quantifying national challenges. We will not repeat past mistakes. And we have at our disposal a full range of methods, including but not limited to clearance, to release with confidence previously suspected areas. In many country cases, it is now possible to proceed with Article 5 implementation faster and more efficiently.

Fourth: In 2004 there was a lack of clarity regarding the implementation challenge faced by many States Parties. Now, many more States Parties are making every effort to identify all areas in which mines are known or suspected to be emplaced, as is required by Article 5, and reporting, as is required under Article 7, on “the location of mined areas.”

These and other achievements notwithstanding, our work to implement Article 5 will persist for some time. As we continue down the road to Cartagena for the Second Review Conference, we need to focus on what will be priorities for this work in the future. In this regard, the Co-Chairs have the following thoughts to share:

What lies ahead?

First: Our extension request process is now maturing and becoming a regular feature of the Convention’s work. We would propose that after the Second Review Conference, requesting States Parties maximize the potential of this process by providing unambiguous clarity regarding what remains to be done and a clear path forward toward completion. We would further propose that we work together to address some of the common impediments that States Parties have identified in fulfilling their obligations.

Second: We suggest that it should be achievable by the time of a Tenth Meeting of the States Parties that each State Party that is in the process of implementing Article 5 to have specified how many mined areas remain, where they are located and their size and quality. This is in essence what the Convention requires. However, too much time has passed without having obtained this basic understanding of when completion may be in sight and how.

Third: We think that it is achievable that, by the mid-way point between the Second and Third Review Conferences, we will have arrived at a state wherein more States Parties have completed implementation than remain to implement Article 5.

Fourth: We need to see our effort to eliminate emplaced anti-personnel mines in the context of broader weapons contamination. States will soon have obligations under various instruments of international humanitarian law and need to be able to proceed in fulfilling these obligations in a coherent and efficient manner. We have worked hard to ensure that members of the community of this Convention have or soon will have eliminated mined areas. However, some of these states will continue to have problems with UXO for decades. While under this Convention our obligation to assist may be limited to AP mines, we have a moral obligation to ensure that the lessons learned can be applied to address the problems caused by other explosive hazards.

And fifth: As concerns resources, we must recall the importance of international cooperation. Such cooperation implies a partnership and requires both sustained resources and solid national ownership.