

CONCLUSIONS AND RECOMMENDATIONS

COMMITTEE ON ARTICLE 5 IMPLEMENTATION

Chile, Colombia and the Netherlands and Switzerland

PART 1: Introduction

I. Activities of the Committee

1. The Committee met for the first time on 16 January 2018 to discuss its work plan for the year and has met regularly since. On 9 February 2018 the Committee wrote letters to the following States Parties:
 - a. to Bosnia and Herzegovina, Croatia, Cyprus, Serbia, Sudan, Ukraine and the United Kingdom to recall to them the process for requesting an extension established by the States Parties;
 - b. to 31 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; to stress the importance of respecting this deadline, given the short timeframe between the deadline and the intersessional meetings of 7-8 June; to inform them on how it would proceed in preparing preliminary observations for the intersessional meetings; and to encourage them to use the Guide to Reporting;
 - c. to Angola, Eritrea, Iraq, Niger and Peru 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.
2. During the United Nations National Mine Action Directors Meeting (13 – 16 February 2018), the Committee held bilateral meetings with representatives of Bosnia and Herzegovina, Croatia and Sudan, which had indicated that they would need to submit a request for extension in 2018, in order to discuss progress in the development and submission of their requests. The Committee also held a bilateral meeting with a representative from Ukraine to discuss Ukraine's outstanding extension request which was due in 2016. In addition, the Committee also met with Cambodia, Iraq, Mauritania, Somalia, Sri Lanka and Tajikistan to discuss their progress and challenges in implementing their mine clearance obligations.
3. On 7 March 2018, the Committee held bilateral meetings with Serbia and Ukraine in order to discuss progress in the development and submission of their extension requests.
4. After having received extension requests from Bosnia and Herzegovina, Croatia, Cyprus, Serbia, Sudan and the United Kingdom the Committee reached out to expert organisations on 24 April 2018 to request input on those requests, in accordance with the process established by the States Parties.
5. On 29 April 2018, the Committee sent a letter to States Parties to inform them of the receipt of requests for extension submitted by Bosnia and Herzegovina, Croatia, Cyprus, Serbia, Sudan, and the United Kingdom and to point out that Ukraine's extension request had still not been received.

6. On 30 April 2018, the Committee met with Mozambique, a State Party, which declared completion in 2015 and in doing so had indicated that there remained areas that for years had been underwater and therefore inaccessible. Mozambique had also discovered a previously unknown mined area, which it addressed in 2017. The Committee requested an update regarding the inaccessible area and additional clarity on the work carried out in 2017 to address the previously unknown mined areas.
7. Also on 30 April 2018, the Committee met with Niger to discuss Niger's outstanding work plan and Article 7 report as well as other matter regarding progress in implementing its Article 5 commitments.
8. The Committee presented preliminary observations at the 7-8 June 2018 intersessional meetings based on information submitted by the States Parties. The Committee also held bilateral meetings on 6 June 2018, with States Parties which submitted or will in the near future submit requests as well as with those with outstanding work plans and commitments including with Angola, Bosnia and Herzegovina, Cambodia, Chad, Croatia, Cyprus, Mozambique, Niger, Serbia, Sudan, Tajikistan, Ukraine and the United Kingdom.
9. On the second day of the intersessional meetings, the Committee held a panel discussion concerning the implementation of Article 5. The panel discussion included representatives from Mozambique, Colombia and the Convention's Implementation Support Unit. Following the panel discussion the Committee on Article 5 prepared a document to provide further guidance to the States Parties in declaring completion of their Article 5 commitments.
10. Following the intersessional meetings, the Committee wrote letters to all States Parties with Article 5 obligations requesting feedback on the preliminary observations presented by the Committee and to encourage those States that had not submitted Article 7 reports to do so as soon as possible.
11. As per the decision of the Sixteenth Meeting of the States Parties (16MSP) on Ukraine, the Committee continued to make itself available for engagement with Ukraine in order to support its efforts to submit as soon as possible a request for extension in accordance with the process established by the States Parties. In light of this, the Committee met with the Vice-Prime-Minister for European and Euro-Atlantic Integration of Ukraine in Kyiv. Reasonable assurances were provided that an extension request would be forthcoming.
12. On 26 July, 31 July 2018 and 3 August 2018, the Committee held bilateral meeting with Eritrea Ethiopia and Yemen, respectively, concerning their upcoming 2020 deadline for the implementation of Article 5.
13. The Committee continued its cooperative discussion with States Parties that submitted requests for extension for consideration of the Seventeenth Meeting of the States Parties and drafted analysis on requests submitted in accordance with the Article 5 extension request process.

II. Methodology for the preparation of conclusions

14. The Committee is mandated to "review relevant information on Article 5 implementation submitted by States Parties, including in the context of Article 7 obligations and on efforts undertaken under Article 6 on international cooperation and assistance." In preparing its observations, the Committee drew upon information submitted by States Parties in 2018 in the context of Article 7 reporting, information contained in requests for extended deadlines

that were submitted in 2018, and any additional information provided in writing by States Parties on Article 5 implementation.

15. In line with its purpose of intensifying efforts to ensure the full implementation of Article 5, and in an effort to continue the approach established in 2015, the Committee gave particular attention to the following aspects of the Maputo Action Plan:
 - a. Increased clarity regarding remaining implementation challenges, with this clarity encouraged through Article 7 reports, Article 5 extension requests and information provided pursuant to decisions taken on requests.
 - b. Improvements in the measurability of Article 5 implementation over time, with improvements in the quality of information permitting greater understanding and comparability.
 - c. Efficient and expedient implementation with commitments to apply the most relevant land release standards and methodologies.
16. Given the subject matter covered in Actions #8 to #11, the Committee proceeded in preparing preliminary observations on the following matters:
 - Clarity regarding remaining challenges
 - Progress in implementation
 - National plans for clearance and survey
 - The application of land release standards, policies and methodologies
 - Actions related to commitments in extension requests and decisions on requests
 - Mine risk reduction efforts
17. In reviewing information provided by States Parties on Article 5 implementation, the Committee noted different degrees of clarity regarding the location of all areas that contain, or are suspected to contain, anti-personnel mines. As a result, the Committee has used terminology in its preliminary observations in the following manner:
 - a. “High degree of clarity” has been used when a State Party has provided a list of all remaining areas known or suspected to contain anti-personnel mines 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.
 - b. “Clarity” has been used when a State Party has provided a summary table of all remaining areas known or suspected to contain anti-personnel mines according to regions / provinces / districts within the State, with this list including the number of areas known to contain anti-personnel mines and the number of areas suspected to contain anti-personnel mines in each region / province / district within the State, and the estimated size of the area concerned per region / province / district.
 - c. “Some clarity” has been used when a State Party has provided a summary table listing some information related to the number of areas known or suspected to contain anti-personnel mines in each region / province / district within the State.

III. Information provided by States Parties on Article 5 implementation

18. At the close of the 16MSP, 31 States Parties had reported having an obligation under Article 5 of the Convention.¹
19. Of the 31 States Parties in the process of fulfilling obligations under Article 5, until 31 August 2018, the following had provided information on progress in implementation:
 - a. 28 States Parties submitted Article 7 transparency reports containing updated information on implementation of Article 5: Angola, Afghanistan, Argentina, Bosnia and Herzegovina, Cambodia, Chad, Chile, Colombia, Croatia, Cyprus, Democratic Republic of the Congo, Ecuador, Iraq, Mauritania, Niger, Oman, Peru, Senegal, Serbia, Somalia, South Sudan, Sudan, Tajikistan, Thailand, Turkey, Ukraine and the United Kingdom and Zimbabwe. Three States Parties - Eritrea, Ethiopia and Yemen - failed to submit their Article 7 reports.
 - b. Of the five States Parties that were due to submit updated information/work plans pursuant to decisions taken on their requests for extended deadlines only three States Parties – Iraq, Niger and Peru – submitted updated information/work plans, with the Democratic Republic of the Congo and Eritrea failing to do so.
 - c. On 7 December 2017, Ethiopia acted upon the decisions of the Fourteenth Meeting of the States Parties on its request for extension by submitting an updated work plan for the implementation of Article 5 of the Convention.
 - d. Following the 7-8 June 2018 intersessional meetings, at the request of the Committee, the following States Parties submitted additional information to the Committee concerning the information contained in their preliminary observations: Cambodia, Chile, Ecuador, Turkey, the United Kingdom and Zimbabwe.
 - e. Of the seven States Parties that indicated they would need to submit a request for extension for consideration of the 17MSP, six submitted requests for extension: Bosnia and Herzegovina, Croatia, Cyprus, Serbia, Sudan, and the United Kingdom. Despite the Committee’s best efforts and sustained dialogue since the 16MSP, as of 31 August 2018, Ukraine has failed to submit a request for extension.

IV. Conclusions and recommendations

20. The Committee welcomes the information submitted by States Parties as well as the engagement with the Committee during bilateral meetings, which has allowed for a cooperative dialogue to take place between the Committee and the States Parties.
21. The Committee welcomes that there has been an increase in the number of reports submitted to date. The Committee observes a positive trend in the quality of some of the reports, with more States Parties employing the Guide to Reporting.
22. The Committee recalls that the submission of an Article 7 report on an annual basis is an obligation under the Convention for all States Parties. The Committee notes with concern that the three States Parties with obligations under Article 5 that have not submitted reports in 2018 repeatedly failed to report in the last four years:

¹ Two States Parties, Palestine and Sri Lanka have yet to submit their initial transparency report due in November 2018.

- a. The Committee notes that Eritrea has not provided an update to the States Parties or submitted an Article 7 report on progress in implementation since 2014.
- b. The Committee notes that Ethiopia has not provided an update to the States Parties on progress in implementation since 2016 and that it submitted only one (2017) Article 7 report since 2012.
- c. The Committee notes that Yemen has only submitted one (2017) Article 7 report on progress in implementation since 2014.

23. The Committee **recommends** a coordinated early engagement by all relevant Committees with the States Parties that have regularly failed to submit Article 7 reports to enable them to submit their reports in a timely and qualitatively adequate manner.

24. The Committee observes that, of the 31 States Parties that are in the process of implementing Article 5, few submitted reports by the deadline of 30 April 2018. The Committee emphasizes the importance of timely submission to ensure early engagement with the Committee and support the timely preparation of the States Parties for the intersessional meetings.

25. The Committee **recommends** that all States Parties commit to submit their Article 7 reports in a timely and qualitatively adequate manner in order to discharge themselves of their legal obligation under the Convention and to enable the Committees to perform their mandates.

26. The Committee further observes that, despite efforts to encourage its use, not all States Parties with Article 5 obligations have employed the guidance contained in the Guide to Reporting.

27. The Committee is grateful to Afghanistan, Cambodia, Chile, the Democratic Republic of the Congo, Ecuador, Mauritania, Peru Senegal, Serbia, South Sudan, Sudan, Tajikistan, Thailand, Turkey and Zimbabwe for having employed parts of the Guide to Reporting to provide as much clarity as possible concerning their remaining challenge and progress made.

28. The Committee **recommends** that all States Parties make use of the guidance contained in the Guide to Reporting, which would provide considerable clarity with regard to progress and status in implementing Article 5 commitments.

29. The Committee notes with concern 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 observes that amendments made by States Parties to their national standards are not always shared in accordance with Action #9.

30. The Committee observes 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 (i.e. "confirmed hazardous area", "suspected hazardous area"; disaggregating data by activity that is non-technical survey, technical survey and clearance; reporting progress according to the result of each activity that is land that is cancelled, reduced, cleared).

31. The Committee observes 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, with this list including the estimated size of each area, the status of each area (i.e. “confirmed hazardous area”, “suspected hazardous area”) and information on the geographic location of each area in conformity with the Guide to Reporting.

32. The Committee observes that in a number of cases progress in addressing mined areas varies substantively from one year to the next and in some cases the remaining challenge also is subject to substantial variations.

33. The Committee **recommends** States Parties adopt the most relevant land release standards, policies and methodologies, use terminology and disaggregate data on progress and remaining challenge in accordance with the IMAS and commitments made in the Maputo Action Plan. The Committee also recommends that States Parties provide in their reports details on the reasons for significant yearly variations in terms of land released (NTS, TS, clearance) or remaining challenge.

34. The Committee observes 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 also observes that needs to overcome challenges are often only formulated in terms of financial needs rather than in expertise, material etc.

35. The Committee notes 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.

36. The Committee **recommends** that States Parties clearly report on the challenges they face in implementing their Article 5 commitments. The Committee further **recommends** that States Parties assess their needs beyond those related to finances including, for example, material and capacity building gaps and explain how these gaps potentially affect their respective deadlines.

37. The Committee observes 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.

38. The Committee **recommends** that States Parties continue to disaggregate their contamination in order to ensure clarity concerning the remaining challenge.

39. The Committee recalls that, States Parties with areas confirmed or suspected to contain anti-personnel mines of an improvised nature are required to report these areas under Article 7 of the Convention and address these areas as part of their Convention obligations and that all mined areas under the jurisdiction and control of the State Party must be addressed by the State Party in order to achieve the purpose of the Convention.

40. In this regard the Committee recalls that the decision of the 12MSP 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.

41. As all anti-personnel mines irrespective of being manufactured or improvised fall under the scope of the Convention, the Committee **recommends** that guidance provided to States Parties, such as under the International Mine Action Standards, take this element into account. Likewise, States Parties need to consider anti-personnel mines (manufactured and improvised) in fulfilling other Convention obligation, including their reporting obligations under Article 7 disaggregating by the type of device located and destroyed.

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

43. The Committee **recommends** that States Parties in the process of implementing Article 5 make full use of the support of the ISU and also **recommends** that all States Parties consider providing financial support to the ISU.

Table 1: Status of implementation of Article 5 of the Convention¹

State Party	Total released in 2017 (square metres)				Remaining challenge as of 2017 (square metres)		
	Cancelled	Reduced	Cleared	Total ²	Suspected Hazardous Area	Confirmed Hazardous Area	Total ³
Afghanistan	1, 729,047	948,213	27, 848,953	30, 526,213	97, 603,835	127, 064,652	224, 668,487
Angola ⁴					71, 890,852	149, 518,827	221, 409,679
Argentina ⁵							
Bosnia & Herzegovina ⁶		8, 270,000	820,000	29, 910,000	1, 061, 000,000	95, 000,000	1, 156, 000,000
Cambodia	28, 243,926	16, 540,150	50, 488,685	95, 272,760			910, 429,177
Chad							104, 542,233 ⁷
Chile	588,661	296,519		855,180	3, 289,185	1, 814,057	5, 103,242
Colombia	1, 398,842 ⁸	283,046	259,783	1, 941,671	46, 024,965		47, 273,279 ⁹
Croatia ¹⁰		6, 600,192 ¹¹	29, 885,067	36, 937,159 ¹²	141, 950,000	269, 510,000	411, 500,000
Cyprus ¹³							
Democratic Republic of the Congo				1,717,327 ¹⁴			535,359.20
Ecuador	10,919.47	7,332.21	15,476.39	33,728.07			97,468.61
Eritrea ¹⁵							
Ethiopia ¹⁶							
Iraq				32, 543,479 ¹⁷			1, 287, 631,904 ¹⁸
Mauritania							
Mozambique	11,218	86,326	29,979	127,522	1,888		1,888
Niger							196,253
Oman				1,700			
Peru	10,737.55	7,170.66	9,246.18	27,154.39			396,170.86
Senegal				106,658	20,920	262,025.103	282,945.103
Serbia				275,800	2, 354,540	0	2, 354,540
Somalia ¹⁹	5,262		187,720	192,982		6, 098,836	18, 577,705
South Sudan	2, 043,206	3	9, 850,679	11, 893,886	77, 052,215	2, 579,507	79, 631,722
Sudan	74,875	259,551	707,334	1, 041,760	16, 331,635	2, 402,260	18, 733,895
Tajikistan	483,419	156,615	618,058	1, 258,092	7, 458,646	1, 345,000	8, 803,646
Thailand	26, 450,492	4, 115,068	413,705	30, 979,269			391, 656,698
Turkey	7, 583,110	75,445	824,116	8, 482,671			164, 082,568
Ukraine							
United Kingdom							5, 557,380 ²⁰
Yemen ²¹							
Zimbabwe	1, 768,118	2, 794,713	1, 655,681	6, 218,692	0	61, 793,990	61, 793,990

Table 2: Status of implementation of Maputo Action Plan (MAP) Actions #8-#11²²

State Party	Article 7 transparency report submitted in 2018 ²³	Level of clarity ²⁴ on the remaining implementation challenge (Action #8)	Reported on the establishment and application of the most relevant land release standards, policies and methodologies (Action #9)	Reported on the provision of mine risk reduction and education programmes (Action #10)	Use of the Guide to Reporting in the preparation of Article 7 report submitted in 2018
Afghanistan	√	High degree of clarity	√	√	√
Angola	√	Some clarity		√ ²⁵	
Argentina	√				
Bosnia & Herzegovina	√	Some Clarity	√	√	
Cambodia	√	Clarity	√	√	√
Chad	√	Some clarity		√	
Chile	√	High degree of clarity		√	√
Colombia	√	Clarity	√	√	
Croatia	√	Clarity	√	√	
Cyprus	√				
Democratic Republic of Congo	√	Clarity		√	
Ecuador	√	High degree of clarity	√	√	√
Eritrea					
Ethiopia					
Iraq	√	Clarity	√	√	
Mauritania	√	High degree of clarity	√	√	√
Mozambique	√	Some clarity			
Niger	√	Clarity	√	√	
Oman	√	Some clarity			
Peru	√	High degree of clarity	√		√
Senegal	√	Some clarity	√	√ ²⁶	√
Serbia	√	High degree of clarity	√	√	√
Somalia	√	Some clarity		√	
South Sudan	√	High degree of clarity	√	√	√
Sudan	√	High degree of clarity	√	√	√
Tajikistan	√	High degree of clarity	√	√	√
Thailand	√	Clarity	√	√	√
Turkey	√	Clarity	√	√	√
Ukraine	√	Some clarity		√	
United Kingdom	√	High degree of clarity	√	√	
Yemen					
Zimbabwe	√	High degree of clarity	√	√	√

¹ Source: Information provided by States Parties in their Article 7 reports submitted until 10 August, 2018, unless otherwise noted. Article 7.2: The information provided in accordance with this Article shall be updated by the States Parties annually, covering the last calendar year, and reported to the Secretary General of the United Nations not later than 30 April of each year". Accordingly, in order to accommodate States Parties, Article 7 Transparency reports were accepted for the benefit of this report up until 10 August, 2018. States that submit later than 10 August, 2018 will be included in summary Status of implementation of Article 5 of the Convention, at the Seventeenth Meeting of States Parties, (17MSP).

² 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.

³ 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.

⁴ These figures are based on Angola's revised Article 5 extension request submitted 14 November, 2017.

⁵ 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.

⁶ Bosnia and Herzegovina reported progress and remaining challenge in square kilometres. These figures have been converted to square metres for the purpose of this table.

⁷ 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.

⁸ This figure includes 1,189,976 of area released through 'information collection'.

⁹ This figure includes a total of 121 "dangerous areas" measuring 630,450 square meters and 116 "confirmed dangerous areas" measuring 617,657 square meters that were identified through survey activities.

¹⁰ Croatia reported progress and remaining challenge in kilometres squared. These figures have been converted to metres squared for the purpose of this table.

¹¹ This figure includes land cancelled and land reduced.

¹² This figure includes 36,485,259 square metres addressed for civilian use and 481,900 square metres addressed in military facilities.

¹³ 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.

¹⁴ The Democratic Republic of the Congo figures are for the period, 1 January 2014 – 31 December 2017.

¹⁵ Eritrea did not submit an Article 7 report by 10 August 2018.

¹⁶ Ethiopia did not submit an Article 7 report by 10 August 2018.

¹⁷ Please note this figure is the combined total area addressed in 2017 as reported by DMA and IKMAA.

¹⁸ Please note this figure is the combined total area remaining to be addressed as reported by DMA and IKMAA.

¹⁹ Please note Somalia reported figures for three States, (Galmudug, Hirschabelle, and South West).with information from other States to be updated.

²⁰ These figures are based on additional information to the United Kingdom's Article 5 extension request submitted 6 August, 2018.

²¹ Yemen did not submit an Article 7 report by 10 August 2018.

²² Source: information provided by States Parties in their Article 7 reports submitted until 10 August 2018, unless otherwise noted.

²³ Article 7.2: "The information provided in accordance with this Article shall be updated by the States Parties annually, covering the last calendar year, and reported to the Secretary General of the United Nations not later than 30 April of each year". Accordingly, in order to accommodate States Parties, Article 7 transparency reports were accepted for the benefit of this report up until 10 August, 2018. States

Parties that submit reports later than 10 August, 2018 will be included in the “Status of implementation of Article 5 of the Convention” table, presented at the Seventeenth Meeting of States Parties, (17MSP).

²⁴ In accordance with the methodology described in Part I of “Preliminary Observations of the Committee on Article 5 Implementation”.

²⁵ Angola did not report progress on Mine Risk Education due to a lack of funding.

²⁶ Senegal did not report progress on Mine Risk Education due to a lack of funding.