

Understanding

Mine Clearance



in the Context of the

AP Mine Ban Convention



**Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction**





The States Parties to the Anti-Personnel Mine Ban Convention, with the support of a wide range of international, non-governmental and other organisations, have made great progress toward the achievement of their aim of clearing all areas containing anti-personnel mines in accordance with Article 5 of the Convention. There is an ongoing need, however, to ensure that national authorities, those charged with supporting their work and others involved in the implementation of the Convention are clear regarding what Article 5 obliges States to do and what it does not, what the understandings of the States Parties are concerning the implementation of Article 5, and what the mechanisms put in place related to fulfilment of Article 5 are and how they operate. The purpose of this guide is to assist in meeting this need.

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**UNDERSTANDING MINE CLEARANCE  
IN THE CONTEXT OF THE AP MINE BAN CONVENTION**

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The information given in this document is correct as of 1 January 2011.

## 1. INTRODUCTION

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The purpose of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction is to put an end to the suffering and casualties caused by anti-personnel mines. Returning all areas containing anti-personnel mines to a state fit for normal human activity is necessary in order to realise this promise. The Convention, accordingly, in Article 5, requires that each State Party undertakes to destroy or ensure the destruction of all anti-personnel mines in mined areas under its jurisdiction or control.

During the 2004 First Review Conference of the Convention – the *Nairobi Summit on a Mine-Free World* – the States Parties noted that the Convention’s mine clearance obligation would be the most significant challenge to be addressed in the succeeding five years. The States Parties therefore agreed to intensify and accelerate efforts to ensure the most effective and expeditious fulfilment of Article 5.

In the years following the *Nairobi Summit*, the States Parties;

- > recorded various understandings regarding the implementation of Article 5
- > established mechanisms concerning extensions of mine clearance deadlines and the completion of implementation
- > embraced recommendations on the use of the full range of technical and non-technical methods to release suspected hazardous areas.

In recent years, the pursuit of the Convention’s mine clearance aim has shown that implementation of Article 5 is indeed possible, and, for many, that it is possible in years, not decades. This has been demonstrated by an increasing number of States Parties reporting that all areas under their jurisdiction, or control, that previously contained anti-personnel mines are now fit for normal human activity. This achievement has been greatly aided by technical and conceptual advances in the field of humanitarian demining and by the ongoing development of the United Nations’ International Mine Action Standards.

## 1. INTRODUCTION

There is an ongoing need, however, to ensure that national authorities, those charged with supporting their work and others involved in the implementation of the Convention, have a clear understanding of the following:

- > what Article 5 obliges States to do and what it does not
- > what conclusions the States Parties have adopted concerning the implementation of Article 5
- > what the mechanisms related to fulfilment of Article 5 are and how they operate.

The purpose of this guide is to assist in meeting this need.



At the Convention's Tenth Meeting of the States Parties, Nicaragua's Minister of Defence Ruth Tapia, announced that Nicaragua had completed implementation of Article 5.

## 2. WHAT ARE THE CONVENTION'S MINE CLEARANCE OBLIGATIONS?

### What does the Convention say?

Ratifying or acceding to an international treaty or convention is one of the most profound exercises in State sovereignty. It implies that a State agrees to be legally bound to act in accordance with certain norms that have been accepted by the international community.

When a State agrees to be bound by the Anti-Personnel Mine Ban Convention, it accepts that it shall never, under any circumstances, use, produce, stockpile or transfer anti-personnel mines. However, in addition to accepting that there are certain things that one must not do, States that have ratified or acceded to the Convention also accept that there are certain things that States must do. These positive obligations include taking a number of actions related to all emplaced anti-personnel mines under a State's jurisdiction or control.

In accordance with Article 5 of the Anti-Personnel Mine Ban Convention, States have freely made a solemn and legally binding commitment to carry out the following actions:

- > *Each State Party shall make every effort to identify all areas under its jurisdiction or control in which anti-personnel mines are known or suspected to be emplaced.<sup>1</sup>*
- > *Each States Party shall ensure as soon as possible that all anti-personnel mines in mined areas under its jurisdiction or control are perimeter marked, monitored and protected by fencing or other means, to ensure the effective exclusion of civilians, until all anti-personnel mines contained therein have been destroyed.<sup>2</sup>*
- > *Each State Party undertakes to destroy or ensure the destruction of all anti-personnel mines in mined areas under its jurisdiction or control, as soon as possible but not later than ten years after the entry into force of this Convention for that State Party.<sup>3</sup>*

### What does Article 5 mean?

The States Parties have found the obligations contained in Article 5 to be sufficiently clear. However, some actors outside of the Convention have held, and sometimes propagated, misconceptions about what Article 5 means and whether it is realistic to implement. The States Parties began addressing these misconceptions at the 2005 Sixth Meeting of the States Parties (6MSP).



## 2. WHAT ARE THE CONVENTION'S MINE CLEARANCE OBLIGATIONS?

In the 6MSP's Zagreb Progress Report, the States Parties recorded the following understandings:

- > *The Convention does not contain language that would require each State Party to search every square meter of its territory to find mines.*<sup>4</sup>

This understanding discredits the myth that the Convention implies the need for some search for a supposed “last landmine”. It also underscores the point made in Article 5 of what truly is required of a State Party. As is noted in a legal commentary on the Convention, the obligation to “make every effort to identify all areas under its jurisdiction or control...” is “narrower than an obligation to identify all mined areas.” This provision of the Convention could be construed as an obligation upon a mine-affected State to carry out assessments and surveys defined and elaborated upon in the United Nations' International Mine Action Standards (IMAS).<sup>5</sup>

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- > *It should be noted that while terms like “mine-free”, “impact-free”, and “mine-safe” are sometimes used, such terms do not exist in the text of the Convention and are not synonymous with Convention obligations.*<sup>6</sup>

This understanding highlights that while a variety of terms like “mine-free”, “impact-free”, and “mine-safe” are often heard, these terms may be not universally defined or defined at all. In some instances, terms such “impact-free” and “mine-safe” have been used to describe a milestone towards fulfilment of Article 5 of the Convention but should not be confused with an end-state. For public relations purposes, “mine-free” may be used as a short reference to communicate that there are no areas in a particular location or country are considered dangerous, due to the presence or suspected presence of mines. However, when reporting on the strict fulfilment of the legal obligations in the Convention, the use of this or other terms should be avoided.

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- > *Clearance of all mined areas in accordance with Article 5 is part of the Convention's overall comprehensive approach to ending the suffering and casualties caused by anti-personnel mines – “for all people, for all time”. The totality of the impacts caused by anti-personnel mines should be addressed in the context of the Convention. Anti-personnel mines, and the clearance of them, have/could have a humanitarian impact, an impact on development, an impact on the disarmament goal of the Convention and an impact on solidifying peace and building confidence.*<sup>7</sup>

This set of understandings is important for a variety of reasons. First, it recalls that all mined areas need to be addressed in order that the Convention can conclusively achieve its mission of an end to the suffering and casualties caused by anti-personnel mines. Second, it implies that all emplaced anti-personnel mines have potential impacts. And third, it suggests, therefore, that a conclusively “impact-free” state can only be achieved if the totality of impacts is addressed.

## 2. WHAT ARE THE CONVENTION'S MINE CLEARANCE OBLIGATIONS?

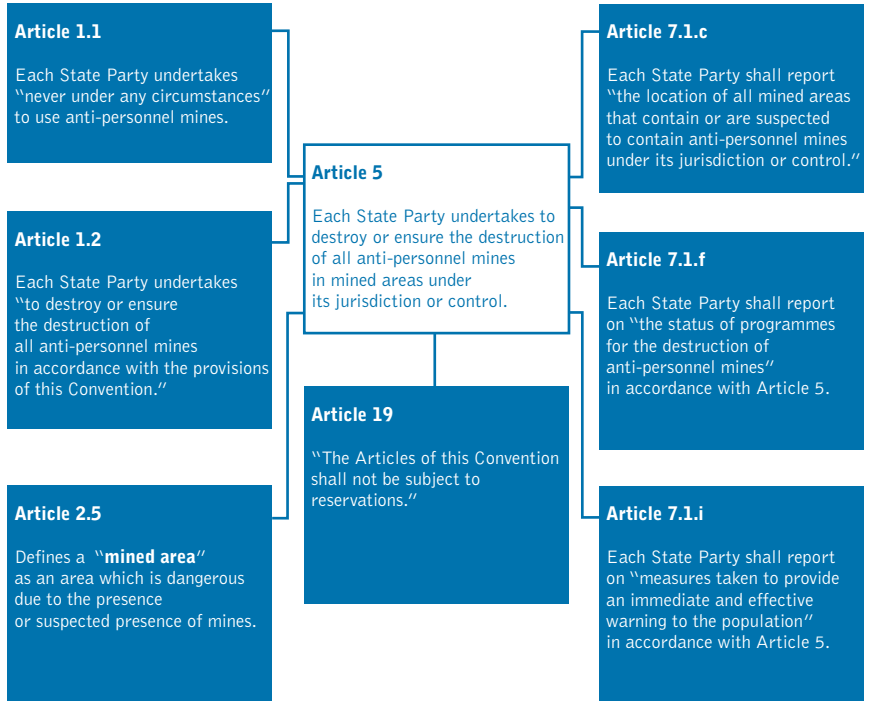
### What is the relationship between Article 5 and other Articles of the Convention?

Article 5 does not exist in isolation but should be seen in the context of its relationship to other Articles:

- > Article 1, paragraph 1 sees that States Parties undertake, “never under any circumstances”, to use anti-personnel mines. Compliance with this provision of the Convention results at least in part from full implementation of Article 5.
- > Article 1, paragraph 2 sees that States Parties undertake “to destroy or ensure the destruction of all anti-personnel mines in accordance with the provisions of the Convention.” This implies destruction of stockpiled anti-personnel mines, and it also includes undertaking to destroy or ensure the destruction of emplaced anti-personnel mines, in accordance with Article 5.
- > Article 2, paragraph 5 defines a “mined area”. The term “mined area” appears several times in Article 5. The formal definition helps clarify the obligations contained in Article 5. It also provides the starting point for understanding when a State Party has completed implementation of Article 5.
- > Article 7, paragraph 1.c obliges each State Party to report “the location of all mined areas that contain or are suspected to contain anti-personnel mines under its jurisdiction or control.”
- > Article 7, paragraph 1.f obliges each State Party to report on “the status of programmes for the destruction of anti-personnel mines” in accordance with Article 5.
- > Article 7, paragraph 1.i obliges each State Party that has reported mined areas containing or suspected to contain anti-personnel mines to report on “the measures taken to provide an immediate and effective warning to the population” in relation to all such areas.
- > Article 19 indicates that “the Articles of this Convention are not subject to reservations”. This makes it clear that the provisions contained in Article 5 apply at all times and all locations under a State Party’s jurisdiction or control.

## 2. WHAT ARE THE CONVENTION'S MINE CLEARANCE OBLIGATIONS?

**Figure 1 |** How article 5 of the Convention relates to other articles



### 3. WHAT IS COMPLETION OF THE CONVENTION'S MINE CLEARANCE OBLIGATIONS?

The States Parties to the Convention have expressed that “primary responsibility for ensuring compliance rests with each State Party.” This is not only the case with respect to compliance with the Convention’s prohibitions, but also for the implementation of Article 5.

It is the responsibility of each individual State Party to declare that it does, or does not have, obligations to fulfil in accordance with Article 5. The formal means for a State Party to declare that it has Article 5 obligations is to report, as required, in accordance with Article 7, “the location of all areas that contain, or are suspected to contain, anti-personnel mines.” As of the Convention’s 2009 Second Review Conference – the *Cartagena Summit on a Mine-Free World* – 54 States Parties had, since the entry into force of the Convention provided such information.

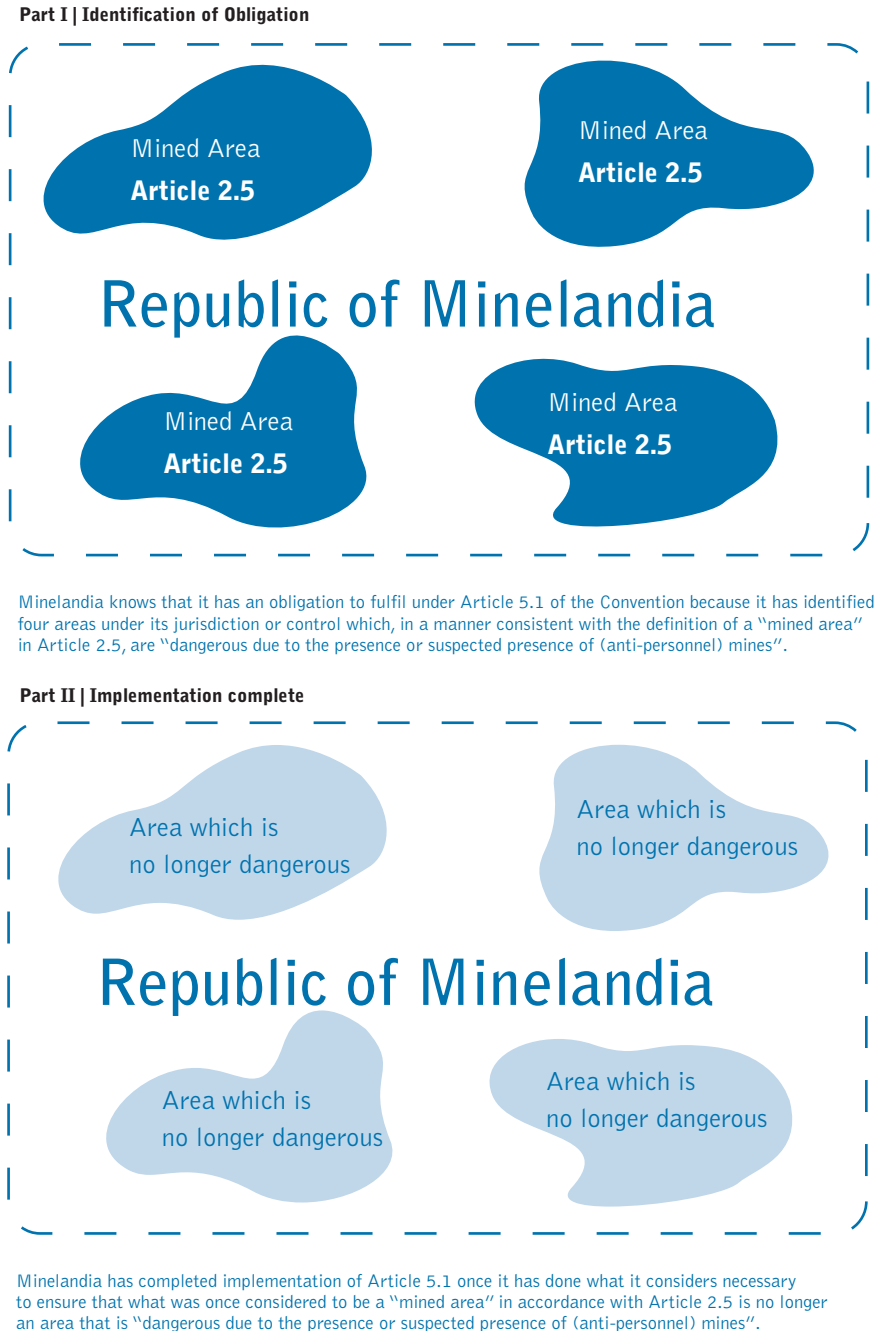
As of June 2010, 16 of the 54 States Parties that had reported that they had been, or were still, required to implement Article 5, also reported that they had completed implementation of the Article.

However, what exactly does “completion” mean? A practical answer rests in the definition of a “mined area” in Article 2 as “an area which is dangerous due to the presence or suspected presence of mines”. That is “the implementation of Article 5 requires that States Parties render all such areas no longer dangerous due to the presence or suspected presence of anti-personnel mines”.<sup>8</sup>

In simple terms, a State Party that has reported one or more areas that fit the definition of “an area which is dangerous due to the presence or suspected presence of mines” will know that it has completed Article 5 implementation when it no longer has any area under its jurisdiction or control that “is dangerous due to the presence or suspected presence of mines”. At the *Cartagena Summit*, the States Parties reiterated that completion “is indeed possible. This has been demonstrated by State practice. Achieving this end state has been greatly aided by the complete implementation of Article 5 that is provided through the United Nations’ International Mine Action Standards”.<sup>9</sup>

### 3. WHAT IS COMPLETION OF THE CONVENTION'S MINE CLEARANCE OBLIGATIONS?

**Figure 2 |** Completion of article 5 implementation



### 3. WHAT IS COMPLETION OF THE CONVENTION'S MINE CLEARANCE OBLIGATIONS?

A State Party is minimally obliged to report completion simply by initially reporting “an area or areas that contain, or are suspected to contain, anti-personnel mines under its jurisdiction or control”, Subsequently, the State must furnish transparency information to indicate that the State Party in question no longer considers that there is anything under its jurisdiction or control that fits the definition of a “mined area” containing anti-personnel mines.

A minimalist approach to reporting completion is problematic for three reasons:

- > a State Party foregoes a chance to strengthen confidence, in the international community, that it has fulfilled its legal obligations and, within its own population, that areas, once considered dangerous, are now once again fit for normal human activity.
- > a State Party misses the opportunity to maximise the public relations benefits associated with completing a task in which it should take great pride.
- > “an increasing variety of statements about completion could promote uncertainty over fulfilment of this central Convention obligation”.<sup>10</sup>

To address these concerns, the States Parties at the 2006 Seventh Meeting of the States Parties (7MSP) adopted a *voluntary declaration of completion of Article 5 obligations*. This voluntary declaration was drafted to ensure consistency among States Parties in reporting completion and to see that this consistency is grounded in the legal text of the Convention. That is, *the declaration of completion* sees that a State Party declares that it has done exactly what the State Party has committed itself to doing, in accordance with Article 5, paragraph 1. Ambiguous language and terminology, such as “mine-free” or “impact free” is absent from this declaration.

The *declaration of completion* is realistic in enabling States Parties to express that it is always possible that previously unknown mined areas may be discovered, once completion has been declared. Furthermore, the *declaration of completion* indicates the practical steps that a State Party would take, in accordance with the Convention, should it, in fact, discover previously unknown mined areas.

### 3. WHAT IS COMPLETION OF THE CONVENTION'S MINE CLEARANCE OBLIGATIONS?

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#### **Text of the Declaration of Completion**

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[State] declares that it has destroyed [ensured the destruction of] all anti-personnel mines in areas under its jurisdiction or control in which anti-personnel mines were known or suspected to be emplaced, in accordance with Article 5 of the Convention.

[State] declares that it completed this obligation on [date].

In the event that previously unknown mined areas are discovered after this date, [State] will:

- (i) report such mined areas in accordance with its obligations under Article 7 and share such information through any other informal means such as the Intersessional Work Programme, including the Standing Committee meetings;
  - (ii) ensure the effective exclusion of civilians in accordance with Article 5; and
  - (iii) destroy or ensure the destruction of all anti-personnel mines in these mined areas as a matter of urgent priority, making its needs for assistance known to other States Parties, as appropriate.
- 

Confidence has grown because States Parties declaring completion have used the declaration text to provide a comprehensive elaboration of steps taken to reach a state of completion and to record what had been accomplished. Some States Parties have provided a detailed narrative account of their mine action programme. In addition, some have included a list of the precise areas that contained, or were suspected to contain, anti-personnel mines and the methods and means used to address these areas (See Annex 3). This, in turn, has become the basis for States Parties to reap public relations benefits associated with completing a significant task and, for many, ending the landmine era in their country or region.

## 4. HOW DO STATES PROCEED IN IMPLEMENTING ARTICLE 5?

This publication is not intended to be a technical manual on how to implement Article 5.

However, it is impossible to divorce the international legal obligations, freely accepted by the States Parties, from the operational efforts required to fulfil these obligations. Perhaps most profoundly, ratification of, or accession to, the Convention means that a State has defined the end point for its humanitarian demining programme, at least as concerns anti-personnel mines.

Beyond this, however, there are many other operational considerations that flow from the legal obligations of the Convention and / or the understandings adopted by the States Parties.

Similarly, the advances made by humanitarian demining professionals have helped inform understanding by the States Parties of what it means to implement Article 5, and how.

The text of the Convention does not prescribe specifically how a State Party should go about achieving a state of completion. The States Parties have, however, benefited greatly from the dramatic evolution of humanitarian demining, since the 1990s. It has provided them with the methods, means and standards to give them confidence that they can render, and will know when they have rendered, all mined areas no longer dangerous, due to the presence or suspected presence of anti-personnel mines.

### **Land classification and information management**

The Convention requires that a State Party report all “mined areas” that contain anti-personnel mines, and, all “mined areas” that are suspected to contain anti-personnel mines.

A “mined area” is “an area which is dangerous due to the presence or suspected presence of mines”. The States Parties have also agreed that “the implementation of Article 5 requires that States Parties render all such areas no longer dangerous due to the presence or suspected presence of anti-personnel mines”. This has implications on how a State Party, which is implementing Article 5, manages information, particularly on how it classifies land or “area”.



#### 4. HOW DO STATES PROCEED IN IMPLEMENTING ARTICLE 5?

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To clearly indicate:

- > that a State Party has an Article 5 obligation
- > what the nature, extent and location of its obligation is
- > what it has done about it
- > what remains to be done

the State Party needs to be able to initially provide information on and then progressively provide updated information on two things, at least:

- > the location of all “mined areas” that contain anti-personnel mines under its jurisdiction or control
- > the location of all “mined areas” that are suspected to contain anti-personnel mines under its jurisdiction or control.

For operational purposes a national authority may wish to develop a more sophisticated land classification system. However, no matter how simple or sophisticated the land classification system, it must permit the national authority to be able to derive information and report on all “mined areas” that contain anti-personnel mines and all “mined areas” that are suspected to contain anti-personnel mines.

A land classification system must also be unambiguous on what has been completed and what remains to be addressed. The Convention is straightforward - a State Party must continue to fulfil Article 5 obligations, if there are areas under its jurisdiction or control that it considers dangerous, due to the presence or suspected presence of anti-personnel mines. Implementation, with respect to any particular area, is complete if the State Party no longer considers the area dangerous due to the presence or suspected presence of anti-personnel mines. A land classification system similarly should be unequivocal with no “grey area” between what is considered dangerous and what is considered no longer dangerous.

## 4. HOW DO STATES PROCEED IN IMPLEMENTING ARTICLE 5?

### International standards

As noted, the Convention does not prescribe how Article 5 shall be implemented.

However, the international mine action community has developed the framework for how humanitarian demining should be undertaken through the United Nations International Mine Action Standards (IMAS). The IMAS serve as “a framework of standards and guidelines which, together, harmonise the manner in which activities and tasks are conducted by the different organizations and agencies involved”.<sup>11</sup> These standards have been developed to improve safety, efficiency and effectiveness in mine action, and to promote a common and consistent approach to the conduct of mine action operations. They assist national authorities in establishing national standards and standing operating procedures.

It is generally accepted that Article 5 completion can occur, and be declared, if humanitarian demining efforts are carried out in accordance with the IMAS or relevant national standards based on the IMAS. The importance of the IMAS has been acknowledged by the States Parties, including at the 2004 *Nairobi Summit on a Mine-Free World*. They agreed that States Parties in the process of implementing Article 5 would “ensure and increase the effectiveness and efficiency of their efforts”. This would be achieved partially by “using the International Mine Action Standards as a frame of reference to establish national standards and operational procedures in order to be of benefit to national authorities in meeting their obligations under Article 5”.<sup>12</sup>

At the 2009 *Cartagena Summit*, their importance was again noted by the States Parties expressing that “the implementation of Article 5 by some States Parties, particularly as evidenced in the Article 5 extension requests submitted by some, has again highlighted the value that States Parties derive from the United Nations International Mine Action Standards (IMAS)”.<sup>15</sup> The States Parties also recorded that “since the *Nairobi Summit*, the IMAS have continued to be developed and widely accepted” and that “of the States Parties that submitted requests for extensions of Article 5 deadlines submitted in 2008 and 2009, 15 indicated that they have carried out mine clearance and related activities using standards that have been based on the IMAS”.

## 4. HOW DO STATES PROCEED IN IMPLEMENTING ARTICLE 5?

### Land release

Beginning in 2006 and continuing to 2008, the States Parties observed and sought to address an issue facing many States Parties implementing Article 5. Imprecise identification and significant overestimation of the size of mined areas has led to inappropriate allocations of time and resources. This point was first recorded by the States Parties at the 7MSP's *Geneva Progress Report* where it was noted that "important advances in the understanding of identifying mined areas... suggest that the challenges faced by many States Parties may be less than previously thought" and that "some Landmine Impact Surveys may have dramatically overstated the extent of the problem."<sup>14</sup>

States Parties' discussions on these matters culminated in the 2008 Ninth Meeting of the States Parties (9MSP) formally "recognising the value of States Parties making use of the full range of emerging practical methods to more rapidly release, with a high level of confidence, areas suspected (to contain) anti-personnel mines". The States Parties also "warmly welcomed" a proposal made by Norway "on the full, effective and expedient implementation of Article 5", and agreed to encourage States Parties, as appropriate, to implement the recommendations contained within this proposal.<sup>15</sup>

The Norwegian proposal to the 9MSP highlighted three key challenges associated with imprecise and grossly overestimated identification of mined areas:

- a. Some States Parties have not made use of the full range of actions available to more accurately define suspected hazardous areas and are developing plans for Article 5 implementation that assume that technical surveys and manual or mechanical clearance methods are the only ones that will be used.
- b. Some States Parties only recently have applied the full range of actions available to more accurately define suspected hazardous areas, resulting in several instances in a dramatic increase in the amount of previously suspected hazardous areas released.
- c. In some States Parties, the full range of actions to more accurately define suspected hazardous areas have been used for several years, despite the absence of a national standard or policy.

#### 4. HOW DO STATES PROCEED IN IMPLEMENTING ARTICLE 5?

In response, the States Parties embraced the idea that three main actions can be undertaken to release mined areas, as defined by the Convention:

- a. Land can be released through non-technical means, such as systematic community liaison, field based data gathering and improved procedures for cross-referencing data and updating databases.
- b. Land can be released through technical survey, which is a detailed topographical and technical investigation of an area to identify a smaller area requiring clearance more precisely, thus enabling the release of the balance of the area investigated.
- c. Land can be released through clearance, which is physically and systematically processing an area manually, or with machines, to a specified depth, in accordance with existing best practices, to ensure the removal and destruction of all mines and other explosive hazards.

Certain “guiding principles” that should be taken into account in the development of national policies and standards, were also warmly welcomed:

- a. A formal, well documented and recorded process for identifying mined areas. A credible investigation of the presence of mines that features...
  - (a) thorough and well described methodology ensuring objective assessments
  - (b) input provided by a sufficient number of credible informants whose names and contact details are recorded
  - (c) quantified survey informationis a necessary precondition for being able to release land, without the deployment of technical means

- b. Well defined and objective criteria for the reclassification of land:

If land is to be reclassified, from a mined area to an area not deemed dangerous due to the presence or suspected presence of mines, the criteria used need to be clear and universally understood. Reclassification can be based on qualitative (e.g., measures of confidence in survey information) and quantitative measures

#### 4. HOW DO STATES PROCEED IN IMPLEMENTING ARTICLE 5?

- c. A high degree of community involvement and acceptance of decision-making. Local participation should be fully incorporated into the main stages of releasing land, in order to make the entire process more accountable, manageable and ultimately cost-effective. Community involvement should include vulnerable groups living in or near suspect areas. A high level of local contributions to major decisions will ensure that land is used appropriately after it has been released
- d. A formal process of handover of land prior to the release of land. The involvement of local communities in the process leading to the release of land should be reinforced by a formal process of handing over land. It should include a detailed description of the survey methodology and the risk assessment. It should be signed by the future users of the land, local community authorities, representatives from the organisation that carried out the assessment and the national authorities
- e. An ongoing monitoring mechanism after the handover has taken place. Post-release monitoring must be properly planned and agreed between the different parties to help measure the impact that land release has on local life, and to clarify issues related to liability and land status, in case of any subsequent landmine accidents. If accidents occur in, or mines are found in, released areas, such areas or portions of them may be reclassified as suspected mined areas or confirmed mined areas
- f. A formal national policy addressing liability issues. National policies and standards on the release of land should detail the shift of liability from the mine action operator to the national, sub-national or local government or other entity. Mine action operators should be obliged to follow national policies and standards to be exempt from liability
- g. A common set of terminology to be used when describing the process. Many States Parties use different terminology to describe the same processes. Further development of the UN's International Mine Action Standards (IMAS) may help provide a more advanced global set of terminology. If terms are used which could be interpreted in different ways these terms either should be clearly defined or not used at all.

## 4. HOW DO STATES PROCEED IN IMPLEMENTING ARTICLE 5?

At the 2009 *Cartagena Summit*, the States Parties reiterated that “land released through non-technical means, when undertaken in accordance with high quality national policies and standards that incorporate various key principles (including community involvement), it is not a short-cut to implementing Article 5.1 but rather is a means to more expediently release, with confidence, areas at one time deemed to be ‘mined areas’”.<sup>16</sup> Also at the *Cartagena Summit*, the States Parties noted the development of three new IMAS. These facilitate the understanding and application of all available methods to achieve the full, efficient and expedient implementation of Article 5.

- > IMAS 08.20 explains the principles of land release and details the responsibilities of donors, governments and operators in the context of land release. It further explains how the different components of survey and clearance should be viewed and how they can be combined to ensure efficient land release.
- > IMAS 08.21 explains the principles of non-technical survey and how and when land can be released by it.
- > IMAS 08.22 explains the principles of technical survey and how the requirement for it can be defined by building on evidence already gained through the non-technical survey process.

### Ensuring the safety of populations

The Convention requires that States Parties report on “the measures taken to provide an immediate and effective warning to the population in relation to all areas identified under paragraph 2 of Article 5”.<sup>17</sup>

In essence, States Parties are to take steps to ensure the safety of women, girls, boys and men in areas under their control or jurisdiction, while they proceed in rendering all mined areas no longer dangerous due to the presence or suspected presence of anti-personnel mines. A degree of safety can be assured by implementing the provisions contained in Article 5, paragraph 2. These provisions call for States Parties to ensure that all mined areas “are perimeter-marked, monitored and protected by fencing until all anti-personnel mines contained therein have been destroyed”. However, the Convention does not prescribe exactly what should be done “to provide an immediate and effective warning to the population in relation to all (mined areas)”. In fulfilling this requirement, States Parties have benefited from evolutions in the field of mine risk education – or MRE.

At the *Nairobi Summit*, it was agreed that “States Parties that have reported mined areas under their jurisdiction or control, where they have not yet done so, will do their utmost to significantly reduce risks to populations and hence reduce the number of new mine victims”.

#### 4. HOW DO STATES PROCEED IN IMPLEMENTING ARTICLE 5?

This will include “(ensuring) that mine risk education programmes are made available in all communities at risk”.<sup>18</sup> States Parties would also “ensure that mine risk education programmes are made available in all communities at risk to prevent mine incidents and save lives, promote mutual understanding and reconciliation, and improve mine action planning, integrating such programmes into education systems and broader relief and development activities, taking into consideration age, gender, social, economic, political and geographic factors, and ensuring consistency with relevant International Mine Action Standards, as well as national mine action standards”.<sup>19</sup>

At the *Cartagena Summit*, the States Parties updated their understanding of MRE, noting that “the traditional view of MRE, as a one-way mass communication of information, though still relevant and beneficial in emergency situations and in isolated incidents where community awareness is assessed as negligible, is no longer considered the best approach on its own in most situations”. They also noted that “it is now generally accepted that MRE is most effective when it is carried out as an integral part of mine action and not in isolation from other mine action disciplines”.<sup>20</sup>

It has become clear that MRE activities provide important support to efforts concerning mine clearance and victim assistance. This is through the collection of information which supports mine action strategic thinking, planning and priority setting. For instance, data collection, assessments and analysis should be incorporated into ongoing programme planning, priority-setting, implementation and the selection of tools and methodologies. In addition, MRE should be tailored to the needs of individual contexts.

At the *Cartagena Summit*, the States Parties also recognised that MRE is most useful when delivered as part of general risk reduction and risk education efforts. Sustained community participation and two-way communication is essential. To ensure the most effective approach, a general assessment of the risk faced by a community should be undertaken. This will identify whether traditional MRE is required, scarce resources could best be allocated to other risk reduction activities, and MRE can be delivered in conjunction with other risk reduction activities. It will also ensure that the diverse risk reduction needs of any given community are taken into account, and, that approaches are adapted to different audiences through appropriate messages, techniques and mediums that take age and gender as well as social, economic, political and geographical factors into consideration.

## 4. HOW DO STATES PROCEED IN IMPLEMENTING ARTICLE 5?

### Gender and diversity

The States Parties have recognised for some time that there is a significant gender dimension to mine action. The States Parties highlighted that this is particularly relevant for the quality of implementation of Article 5 obligations, as women, girls, boys and men are differently affected by landmines. States Parties have noted that “the integration of a gender perspective in mine action should target and result in benefits for all members of society”.<sup>22</sup> Some mine action operations now have solid experience of including both women and men in mine clearance, which has strengthened such action.

Inclusion of a gender perspective, for example through full participation of all groups in a community in consultations on mine clearance, will also enhance mine action by making it more efficient and effective. Challenges remain in fully implementing this approach, but it was noted that culture and tradition do not constitute the main obstacles to doing so. It is rather a lack of knowledge and will that constitute the real barriers.

### Resource mobilisation

Resource mobilisation for the implementation of Article 5 is not the sole domain of national demining authorities. Cooperation to pursue the aims of the Anti-Personnel Mine Ban Convention is a central component of the Convention itself.

Article 6, paragraph 1 makes it clear that “in fulfilling its obligations under this Convention, each State Party has the right to seek and receive assistance, where feasible, from other States Parties to the extent possible”. Article 6 continues in paragraph 4 to state that “each State Party in a position to do so shall provide assistance for mine clearance and related activities” and indicates that assistance may be provided through a number of channels.

Those providing assistance can channel funds in a number of ways and those needing assistance have a variety of ways to request support. These options include approaching other States on a bilateral basis or seeking with the assistance of the United Nations Mine Action Service (UNMAS) or the United Nations Development Programme (UNDP). Other cooperation partners can include regional organisations such as the Organisation of American States (OAS), other organisations including the International Trust Fund for Demining and Mine Victims Assistance (ITF), or non-governmental organisations.



## 4. HOW DO STATES PROCEED IN IMPLEMENTING ARTICLE 5?

### What can a State Party do to enhance its ability to secure support?

At the *Cartagena Summit*, the States Parties recorded that they “have come to recognise that strong national ownership is essential for ensuring that cooperation can flourish”. They also noted that “mine-affected States Parties themselves have remarked that national ownership in the clearance of anti-personnel mines and other explosive hazards implies, inter alia, the following five components”:

- 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.”<sup>25</sup>

The States Parties noted that “while the existence of these components will not guarantee that resources will flow in response to needs, demonstrating national ownership makes it significantly more likely that cooperation will flourish between those with needs and those in a position to provide assistance”.

The States Parties have discussed the link between mine action and development for several years. It has been noted that “among the original reasons put forward by States Parties promoting such a linkage was that it would secure funding for Convention implementation over the long term by placing mine action within a greater budget from which funds could be obtained on a stable and ongoing basis.”<sup>24</sup> The States Parties further noted that efforts have been undertaken to assist bilateral and multilateral donors to integrate mine action in their development programming.<sup>25</sup> In addition, mine-affected States Parties have made a commitment in Action #35 of the *Cartagena Action Plan* to identify Article 5 implementation “as a priority in relevant development goals and strategies.”

## 4. HOW DO STATES PROCEED IN IMPLEMENTING ARTICLE 5?

### Article 5 implementation in the context of broader weapons contamination

Most States Parties implementing Article 5 have to contend with challenges related to removing and destroying emplaced anti-personnel mines, as well as the challenges associated with other explosive remnants of war. While keeping in mind the obligation of a State Party, never under any circumstances, to use anti-personnel mines, the States Parties have been practically-minded about priority setting, when addressing the breadth of weapons contamination.



#### 4. HOW DO STATES PROCEED IN IMPLEMENTING ARTICLE 5?

State practice has illustrated that States typically establish, and should establish, priorities based on first tackling those challenges where the humanitarian problems and socio-economic impact of explosive hazards is the greatest, regardless of the type of munition. This point has been well articulated by the International Committee of the Red Cross (ICRC). At the June 2010 meeting of the Convention's Standing Committee on Mine Clearance the ICRC stated that "from a humanitarian perspective, prioritisation of demining efforts should be made on the basis of the humanitarian impact of the contaminated land and the risk undertaken by the civilian population and not only on the basis of legal obligations to clear contaminated land".

The States Parties have also recognised that, once a State Party has completed implementation of Article 5, it may still need to address other ongoing weapons contamination issues. In this regard, the States Parties have noted "that the lessons derived from fulfilling Article 5 obligations are applicable in addressing related challenges associated with other explosive remnants of war" and that "in many instances, the organisational structures, the capacities that have been built and the standards that have been established largely as a result of the need to implement Article 5 are also being applied to address weapons contamination more broadly".<sup>26</sup>

In addition, those States Parties that have completed Article 5 implementation may still need assistance in overcoming challenges associated with other explosive hazards. For instance, in Action 40 of the *Cartagena Action Plan*, it was agreed that States Parties in a position to do so will "in the spirit of the Convention's aims, endeavour to continue supporting States Parties that have completed their Article 5 obligations in their efforts to address the humanitarian consequences resulting from mine and explosive remnants of war contamination".

## 5. WHAT HAPPENS IF A STATE PARTY NEEDS MORE TIME TO IMPLEMENT ARTICLE 5?

### What is the Article 5 extensions process?

As noted, Article 5 sees that each State Party undertakes to destroy or ensure the destruction of all anti-personnel mines in mined areas under its jurisdiction or control, as soon as possible but not later than ten years after the entry into force of this Convention for that State Party.

However, unlike the time-bound obligation to destroy stockpiled anti-personnel mines, States Parties may ask for extra time to destroy emplaced anti-personnel mines:

*If a State Party believes that it will be unable to destroy or ensure the destruction of all anti-personnel mines referred to in paragraph 1 within that time period, it may submit a request to a Meeting of the States Parties or a Review Conference for an extension of the deadline for completing the destruction of such anti-personnel mines, for a period of up to ten years.<sup>27</sup>*

The Convention drafters were realistic in acknowledging that different States would face different challenges. Some severely affected States would require a great deal of time to complete implementation of Article 5.

Article 5, paragraph 4 documents what a request shall contain:

- a. *The duration of the proposed extension;*
- b. *A detailed explanation of the reasons for the proposed extension, including:*
  - i. *The preparation and status of work conducted under national demining programmes;*
  - ii. *The financial and technical means available to the State Party for the destruction of all the anti-personnel mines; and*
  - iii. *Circumstances which impede the ability of the State Party to destroy all the anti-personnel mines in mined areas;*
- c. *The humanitarian, social, economic, and environmental implications of the extension; and*
- d. *Any other information relevant to the request for the proposed extension.*

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The guidance contained in Article 5 is minimal. Given this, it was noted at the 7MSP that “there is a need to clarify, and, decide as appropriate, key elements of an extensions process”.<sup>28</sup> The 7MSP ultimately agreed to establish “a process for the preparation, submission and consideration of requests for extensions to Article 5 deadlines”.<sup>29</sup> The elements of this process are as follows:

- > Requesting States Parties are encouraged, as necessary, to seek assistance from the Implementation Support Unit in the preparation of their requests.
- > States Parties seeking Article 5 extensions are encouraged to submit their requests to the current serving President of the States Parties or Review Conference, no fewer than nine months prior to the Meeting of the States Parties or Review Conference, at which the request decision would need to be taken.
- > The President should inform the States Parties of the receipt of requests and make these openly available, in keeping with the Convention’s spirit of transparency.
- > The President and the Co-Chairs and Co-Rapporteurs of the Standing Committees are tasked with preparing an analysis of each request indicating, inter alia, clarifications of facts sought and received from the requesting State, demining plans for the extension period, and resource and assistance needs and gaps.
- > In preparing an analysis of each request, the President, Co-Chairs and Co-Rapporteurs – and the requesting State – are to cooperate fully to clarify issues and identify needs. In addition, the President, Co-Chairs and Co-Rapporteurs, in close consultation with the requesting State Party should, where appropriate, draw on expert mine clearance, legal and diplomatic advice, using the Implementation Support Unit to provide support.
- > The President, acting on behalf of the Co-Chairs and Co-Rapporteurs, should submit the analysis of each request to the States Parties well before (i.e., approximately eight weeks) the Meeting of the States Parties or Review Conference preceding the requesting State Party’s deadline.
- > Finally, in recognition of the additional burden taken on by the Implementation Support Unit in supporting the analysis process, States Parties, in a position to do so, are encouraged to provide additional funds to the ISU.

## 5. WHAT HAPPENS IF A STATE PARTY NEEDS MORE TIME TO IMPLEMENT ARTICLE 5?

### How does the Article 5 extensions process work?

At the *Cartagena Summit*, the States Parties recorded one of the main benefits that resulted from the adoption of a process on Article 5 extension requests:

*The process for the preparation, submission and consideration of requests for extensions of Article 5 deadlines has led to the establishment of an orderly and predictable calendar for submitting, analysing and considering requests for extensions of Article 5 deadlines. It is implied that a State Party that believes it will be unable to destroy or ensure the destruction of all anti-personnel mines in mined areas that it has reported by its deadline should submit its request in advance of the last Meeting of the States Parties or Review Conference prior to its deadline.<sup>30</sup>*

In recent years, Meetings of the States Parties or Review Conferences have taken place in late November / early December. This implies that, if a State Party, with a deadline the following year, believes it will need more time to implement Article 5, it should submit its request no later than 31 March of the year of the Meeting of the States Parties or Review Conference, prior to its deadline. For a high quality request to be submitted, the State Party should begin preparing its request approximately one year before the required submission date.

The Article 5 extensions process was used for the first time in 2008. One of the first steps in this new process, taken by the President and the Co-Chairs and the Co-Rapporteurs in 2008, was to develop working methods for the analysis process. The complete set of working methods was documented in the report submitted to the 9MSP by the President of the Eighth Meeting of the States Parties (8MSP).<sup>31</sup> Some of the highlights of these methods, which have since been applied in a uniform manner, were recorded by the States Parties at the *Cartagena Summit*:<sup>32</sup>

- > The Co-Chairs of the Standing Committee on Mine Clearance, Mine Risk Education and Mine Action Technologies, with the support of their Co-Rapporteurs, have enhanced the efficiency of the process. They make an initial determination of the completeness of requests and immediately seek additional information which is necessary for a complete analysis.
- > Expertise to assist in the analysis process can be obtained from a variety of sources and in various forms. The expertise of the ICBL, the ICRC and the United Nations has been called upon, given the broad scope of these organisations' expertise. The ICRC's views on legal matters have been sought. Expert input on demining and other techniques to release suspected hazardous areas has been called for and provided by the Geneva International Centre for Humanitarian Demining (GICHD). In addition, input from leading humanitarian demining operators has been requested and provided.

## 5. WHAT HAPPENS IF A STATE PARTY NEEDS MORE TIME TO IMPLEMENT ARTICLE 5?

- > With respect to conflicts of interest, the President asks members of the analysing group to excuse themselves from the analysis of their own requests or the analysis of a request with which they have a conflict of interest, such as a territorial or sovereignty dispute with the requesting State Party.
- > Based on the provisions of Article 5, paragraph 4 of the Convention and relevant decisions of Meetings of the States Parties, an *Article 5 Analysing Group Extension Request Checklist* has been developed. (See Annex 4.) This has helped analysing group members to structure their input and to ensure that each request is treated in a uniform manner, according to the same principles, taking into account its own particular characteristics.
- > Those leading the effort to analyse requests have done so on the basis that the analysis process should be a cooperative one. It should ultimately lead, in many circumstances, to improved revised requests being submitted and to the possibility of decisions taken in an orderly manner at Meetings of the States Parties and Review Conferences. For instance, Presidents, who have chaired the group of States Parties mandated with analysing requests, have engaged in a dialogue with requesting States Parties. They have written to seek additional clarifications of various matters, offered advice on ways to improve requests and invited representatives of all requesting States Parties to an informal discussion with the analysing group.
- > Those leading the effort to analyse requests have sought to conclude their work eight to ten weeks prior to the Meetings of the States Parties or Review Conferences when requests would be formally considered. Requesting States Parties have been asked to submit, in the same time frame, a final two to five page executive summary of their requests. These should contain an overview of information necessary for an informed decision to be taken, with these executive summaries translated and with detailed requests made available in their original languages.
- > It has been concluded that the analysing group should aim for consensus in all aspects of the analysis process. In 2008, the analysing group adopted the analyses on requests submitted by consensus. It has been further understood that, should there be differences of views regarding analyses, a variety of methods for taking decisions on analyses and / or for incorporating differing points of view of analysis exist.

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It should also be noted that once an analysis has been finalised, the requesting State Party has been provided with an opportunity to offer comments, particularly to correct points of fact. The President then submits the analysis as a formal document of the Meeting of the States Parties or Review Conference and the work of the analysing group is complete.

At the *Cartagena Summit*, the States Parties recorded several important observations about the Article 5 extensions process. It was noted, for instance, that the comments made by States Parties in their requests, including annual projections of progress to be made during extension periods, had become “important means for States Parties to measure progress in the implementation of Article 5.”<sup>53</sup> Decisions taken by the States Parties point to requesting States Parties being asked “to provide updates relative to their accounting of remaining mined area and / or annual benchmarks for progress at meetings of the Standing Committees, at Meetings of the States Parties and at Review Conferences”.<sup>54</sup>

At the *Cartagena Summit*, the States Parties also observed that, if a State Party does not have a clear picture of the nature and extent of its Article 5 implementation challenge, it may request only the amount of time necessary to acquire the information required. It will subsequently submit a second extension request containing a complete plan and timeline for implementation.<sup>55</sup>

In particular the *Cartagena Summit* “highlighted the value of States Parties requesting only the period of time necessary to gather and assess data on landmine contamination and other relevant information with a view to developing a meaningful forward looking plan based on this information.” For instance, the States Parties have noted that while “it may be unfortunate, that after almost ten years since entry into force, a State Party is unable to specify how remaining work will be carried out”, it is positive when such a State Party requests only the time it needs to “garner an understanding of the true remaining extent of the challenge and develop plans accordingly that precisely project the amount of time that will be required to complete Article 5 implementation”.<sup>55</sup>

At the *Cartagena Summit* it was noted that “some requesting States Parties have seized upon the opportunity presented through an extension request to reinvigorate national and international interest in their national demining programmes, in large part by demonstrating national ownership and that implementation is possible in a relatively short period of time”.<sup>56</sup> The extension request process is a chance for a State Party implementing Article 5 to take stock, in a comprehensive manner, of what has been completed and what remains to be done. It provides the State Party with an opportunity to



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involve all stakeholders in order to benefit from their input and experience. And, it enables the requesting State Party to build confidence regarding its commitment to complete Article 5 implementation.

### How are decisions taken on Article 5 extension requests?

Once the President and the Co-Chairs and the Co-Rapporteurs of the Standing Committees have completed their work, it rests with all States Parties at a Meeting of the States Parties or Review Conference to take decisions on requests. In terms of the formal consideration of requests, Article 5, paragraph 5 states the following:

- > *The Meeting of the States Parties or the Review Conference shall, taking into consideration the factors contained in paragraph 4, assess the request and decide by a majority of votes of States Parties present and voting whether to grant the request for an extension period.*

The States Parties have understood the seriousness of formal consideration extension requests and the need for this to be dealt with in an effective manner at their Meetings of the States Parties and Review Conferences. In this regard, they have used the following practice to formally consider requests at their meetings:

- > Usually on the first day of a Meeting of the States Parties or Review Conference, each requesting State Party is asked to make a presentation on the key aspects of its extension request. Following each presentation, the outgoing President presents the analyses of the request. All delegations then have a chance to ask questions and make comments.
- > In the days following the presentation of requests, the President consults with interested delegations on requesting States Parties on draft decision language.
- > Usually on the last day of a meeting, the States Parties formally consider and take decisions on requests.

In terms of how decisions are taken, it should be recalled that Article 5, paragraph 5 states that Meetings of the States Parties or Review Conferences shall “decide by a majority of votes of States Parties present and voting whether to grant the request for an extension period.”

## 5. WHAT HAPPENS IF A STATE PARTY NEEDS MORE TIME TO IMPLEMENT ARTICLE 5?

In communicating with the States Parties in advance of the 24-28 November 2008 Ninth Meeting of the States Parties, the then President-Designate wrote that “certainly general agreement on requests would be preferable. However, should the States Parties need to resort to a voting procedure, the rules of procedure are clear in terms of what needs to be done”.<sup>37</sup> The relevant section of the rules of procedure reads as follows:

*Decisions concerning destruction of anti-personnel mines in mined areas in accordance with Article 5 of the Convention and facilitation and clarification of compliance in accordance with Article 8 of the Convention shall be made according to the provisions of those Articles.*<sup>38</sup>

*The Meeting of the States Parties or the Review Conference shall, taking into consideration the factors contained in paragraph 4 (of Article 5 of the Convention), assess the request and decide by a majority of votes of States Parties present and voting whether to grant the request for an extension period.*<sup>39</sup>

*The Meeting of the States Parties shall normally vote by show of hands or by standing, but any representative may request a roll-call. The roll-call shall be taken in the English alphabetical order of the names of the States participating in the Meeting of the States Parties, beginning with the delegation whose name is drawn by lot by the President.*<sup>40</sup>

To date, there has been general agreement on the decisions related to all requests considered.

### What decisions are taken on requests?

Article 5 is clear in indicating that, if a State Party believes that it cannot complete implementation by its deadline, it may submit a request for more time – for a period of up to ten years. It is the responsibility of all States Parties then to take a decision on this request. The States Parties must decide “yes” or “no” with respect to requests. They have, however, accepted that Article 5, paragraph 5 does not exclude the possibility of the Meeting of the States Parties complementing a “yes” or “no” decision on a request with additional decisions related to the request.

For instance, the States Parties have normally drawn from the analysis of requests in order to take supplementary decisions with respect to both individual requests and all requests considered at a particular meeting. Often these decisions refer to commitments made by States Parties to take certain actions during the requested extension period, and to regularly report on progress. In some instances, decisions have expressed the desirability of States Parties proceeding with implementation faster than suggested in requests.

## 5. WHAT HAPPENS IF A STATE PARTY NEEDS MORE TIME TO IMPLEMENT ARTICLE 5?

**Examples of Decision Language** Decisions taken by the Tenth Meeting of the States Parties with respect to the Article 5 extension request submitted by Colombia:

- i. The Meeting assessed the request submitted by Chad for an extension of Chad's deadline for completing the destruction of anti-personnel mines in mined areas in accordance with article 5.1, agreeing to grant the request for an extension until 1 January 2014.
- ii. In granting the request, the Meeting noted that, as Chad had not complied with the commitment it had made, as recorded by the Ninth Meeting of the States Parties, to garner an understanding of the true remaining extent of the challenge and to develop plans accordingly that precisely project the amount of time that will be required to complete Article 5 implementation, it would appear that Chad does not possess much more knowledge now than it did in 2008 to develop a plan to meet its Article 5 obligations.
- iii. Also in granting the request, the Meeting noted that, as Chad has made it clear that the provision of external support is necessary to fully implement the plan contained within its request, Chad could inspire greater confidence on the part of those in a position to provide assistance by providing as soon as possible clarity regarding the remaining scope of the problem and give consideration to the transformation of its national demining authority towards a more civilian organisation.
- iv. Also in granting the request, the Meeting noted that while it may be unfortunate that after almost twelve years since entry into force a State Party is unable to specify how much work remains and how it will be carried out, it is positive that Chad intends to renew efforts to garner an understanding of the true remaining extent of the challenge and develop plans accordingly. In this context, the Meeting noted the importance of Chad requesting only the period of time necessary to assess relevant facts and develop a meaningful forward looking plan based on these facts. The Meeting further noted that, by requesting a three year extension, Chad was projecting that it would need approximately three years from the date of submission of its request to obtain clarity regarding the remaining challenge, produce a detailed plan and submit a third extension request.
- v. Also in granting the request, the Meeting noted that the commitments made in Chad's 2010-2012 work plan would greatly assist Chad and all States Parties in assessing progress in implementation during the extension period. The Meeting noted in particular the commitments made by Chad to review its strategic plan at the beginning of 2012 on the basis of an analysis of the final results of survey efforts. In this regard the Meeting noted that it would be beneficial if Chad presented to the Twelfth Meeting of the States Parties, in 2012, a revised strategic plan as a precursor to Chad submitting, no later than 31 March 2013, a third extension request that would be comprehensive in clarifying the remaining challenge and that would contain a detailed annual implementation plan leading to completion. In this regard, the Meeting requested Chad, in accordance with Action 13 of the Cartagena Action Plan, to provide updates relative to these and other commitments at meetings of the Standing Committees and at Meetings of the States Parties.

## 5. WHAT HAPPENS IF A STATE PARTY NEEDS MORE TIME TO IMPLEMENT ARTICLE 5?

**Examples of Decision Language** Decisions taken by the Tenth Meeting of the States Parties with respect to the Article 5 extension request submitted by Colombia:

- i. The Meeting assessed the request submitted by Colombia for an extension of Colombia's deadline for completing the destruction of anti-personnel mines in mined areas in accordance with article 5.1, agreeing to grant the request for an extension until 1 March 2021.
- ii. In granting the request, the Meeting noted that, while it is understandable that Colombia has asked for the maximum time available given the extent of the known or suspected contamination problem, Colombia is doing so based on an incomplete picture. In order to attain a better picture of the situation, the Meeting requested Colombia to provide additional clarity to the Eleventh Meeting of the States Parties, in 2011, regarding what areas are in the process of "Democratic Consolidation" and what areas currently provide the necessary security conditions to carry out humanitarian demining tasks, as well as the provision of more information concerning these areas.
- iii. Also in granting the request, the Meeting noted that, after almost ten years since entry into force, Colombia does not have the information in place to report in a more precise manner on the location of areas known or suspected to contain anti-personnel mines and hence to develop an implementation plan based on concrete information. In this context, the Meeting requested Colombia to provide an update to the Eleventh Meeting of the States Parties on steps that are being taken to develop and implement more effective methods to determine the actual location and size of suspected hazardous area in municipalities where this may be possible.
- iv. Also in granting the request, the Meeting noted that, given the extremely ambitious resource mobilisation projections and given the importance of a sustained high level of external support, Colombia could benefit from developing as soon as possible a resource mobilisation strategy which included clarity regarding its national commitment during the extension period.
- v. Also in granting the request, the Meeting noted that, given the activities Colombia is undertaking initially in 14 municipalities during the period 2011 to 2013 as well as other efforts to more closely define the level of contamination, and, given that Colombia has defined specific objectives for the development of methodologies to support mine clearance operations by its armed forces and civilian organizations, Colombia should have a much clearer understanding of the location and nature of contamination by the end of that period as well as on steps that can be taken to address this contamination. The Meeting also noted that Colombia has provided a clearance plan only for the period 2011 to 2013. In this context, the Meeting requested Colombia to present to the Thirteenth Meeting of the States Parties, in 2013, a revised implementation plan that contains and takes into account a clearer and more substantiated understanding of the location and nature of contamination and that includes revised annual projections of which areas would be addressed when and how. In addition, the Meeting requested Colombia, in accordance with Action 13 of the Cartagena Action Plan, to provide updates relative to these and other commitments at meetings of the Standing Committees, at Meetings of the States Parties and at Review Conferences.

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Finally, it should be recalled that, in accordance with Article 5, paragraph 6, “an extension may be renewed upon the submission of a new request in accordance with paragraphs 3, 4 and 5 of this Article”, and that “in requesting a further extension period a State Party shall submit relevant additional information on what has been undertaken in the previous extension period pursuant to this Article”.

### How does a State Party prepare a request?

As noted, in the establishment of an Article 5 extensions process, it was agreed that requesting States Parties should seek the support of the Implementation Support Unit in the preparation of their requests. The ISU has developed a methodology for advising States Parties on preparing requests, which usually involves the following steps:

- > Approximately one year prior to the targeted date for request submission, the ISU will seek to meet with the national authority of the State Party in question and support the national authority in convening a workshop involving other stakeholders. This is to ensure that all relevant officials and stakeholders are well aware of the extensions process, generate ideas on how to make good use of the process and to develop a time-line for completing the request.
- > The national authority should also begin compiling information and organising it, consistent with the *Suggested outline for preparing Article 5 extension requests*. This was attached to the final report of the *Cartagena Summit*. (See Annex 5). The highest priority should be placed on acquiring necessary information to comprehensively – in both quantitative and qualitative terms – answer the following three basic questions:
  - > What was the original Article 5 implementation challenge?
  - > What has been accomplished with respect to it since entry into force?
  - > What remains to be done to complete implementation of Article 5?

## 5. WHAT HAPPENS IF A STATE PARTY NEEDS MORE TIME TO IMPLEMENT ARTICLE 5?

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- > Approximately eight months prior to the targeted date for submitting a request, the ISU will seek to meet with the national authority of the requesting State Party to discuss efforts to provide information relative to the above-mentioned questions. In some instances, answering these questions has highlighted inadequacies regarding information in the national authority's possession, on the original and present location and size of mined areas and problems in information management. If this is the case, the requesting State Party may wish to consider taking actions to improve its understanding of the true remaining extent, location and nature of the implementation challenge.
- > A State Party should prepare the forward-looking aspects of the request – the plan to address the remaining challenge and the amount of time required to do so – only after there is sufficient clarity regarding the remaining extent, location and nature of the implementation challenge.
- > The ISU remains at the disposal of requesting States Parties to comment on drafts and to advise on the level of detail that is generally desired. Many requesting States Parties have also benefited greatly from the ongoing support by in-country expertise from the United Nations and by drawing on the input from demining operators in a particular country.

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- > In keeping with the timeline implied by the agreed Article 5 extensions process, States Parties should submit requests by 31 March in the year when their requests would be formally considered. Requesting States Parties should be prepared to possibly revise their requests after consultation with those States Parties mandated to analyse the requests.
- > Following the submission of its request, the State Party in question should present, to the Standing Committee on Mine Clearance, the main aspects of its request. Serious concerns that delegations may have with the request, will generally be highlighted at this time. The requesting State Party may wish to have a dialogue with any delegation that has expressed concerns.

## 6. HOW SHOULD A STATE PARTY REPORT ON IMPLEMENTATION OF ARTICLE 5?

### Why must and should a State Party report?

Reporting on the implementation of Article 5 is a legal obligation. It is also an opportunity - good reporting, in accordance with Article 7 transparency provisions, can become the basis for efficiently meeting all of a State Party's other information needs. Clear and comprehensive reports can also help support resource mobilisation efforts, by communicating the magnitude of the challenge faced, the steps that have been taken to specify the location of mined areas and progress achieved to date.

### What must a State Party report?

Each State Party is obliged to report to the Convention's depository – the United Nations Secretary General – no later than 180 days after the Convention enters into force for a particular State Party - on a variety of matters on the aim of clearing all areas containing anti-personnel mines. States Parties are then obliged to provide updated information on these matters annually, covering the previous calendar year. Pertinent matters include the following:

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- > *To the extent possible, the location of all mined areas that contain, or are suspected to contain, anti-personnel mines under its jurisdiction or control, to include as much detail as possible regarding the type and quantity of each type of anti-personnel mine in each mined area and when they were emplaced.*<sup>41</sup>

This obligation, initially, can provide the the starting point in showing the size of the implementation challenge.at the entry into force. Thereafter, it can provide a measure, relative to this baseline, of what has been accomplished on a regular basis. In practice, States Parties implementing Article 5 regularly increase their knowledge on the existence and location of mined areas. However, the basic logic of the obligation remains: it is a snapshot in time of the magnitude of a State Party's remaining challenge and a measure of what has been accomplished since a previous report.

At the *Cartagena Summit*, the States Parties made the following two commitments in the *Cartagena Action Plan* that pertain to and provide guidance regarding this reporting obligation:

- > States Parties that are in the process of implementing Article 5 “will do their utmost to (...) identify, if they have not yet done so, the precise perimeters and locations, to the extent possible, of all areas under their jurisdiction or control in which anti-personnel mines are known or are suspected to be emplaced, report this information as required by Article 7 (...), and incorporate the information into national action plans and relevant broader development and reconstruction plans”.



## 6. HOW SHOULD A STATE PARTY REPORT ON IMPLEMENTATION OF ARTICLE 5?

- > States Parties that are in the process of implementing Article 5 “will do their utmost to (...) “provide annually, in accordance with Article 7, precise information on the number, location and size of mined areas, anticipated particular technical or operational challenges, plans to clear or otherwise release these areas and information on the areas already released, disaggregated by release through clearance, technical survey and nontechnical survey.”

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- > *The status of programmes for the destruction of anti-personnel mines in accordance with Articles 4 and 5, including details of the methods which will be used in destruction, the location of all destruction sites and the applicable safety and environmental standards to be observed.*<sup>42</sup>

This obligation combines, in one sentence, reporting on the destruction of stockpiled anti-personnel mines and on the destruction of emplaced mines. The efforts required to accomplish these two tasks are quite different. Reports submitted should separate “programmes” for destroying stockpiled anti-personnel mines, in accordance with Article 4, and “programmes” for implementing Article 5.

The obligation refers to “including details of the methods” used in implementation. This provides States Parties with an opportunity to provide in-depth information on ways and means used to implement Article 5. States Parties, in a manner consistent with Action #15 of the *Cartagena Action Plan*, may wish to use this reporting requirement to share information on “developing and implementing applicable national standards, policies and procedures for releasing land through technical and non-technical means that are accountable and acceptable to local communities, including through the involvement of women and men in the acceptance process”.

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- > *The types and quantities of all anti-personnel mines destroyed after the entry into force of this Convention for that State Party, to include a breakdown of the quantity of each type of anti-personnel mine destroyed, in accordance with Articles 4 and 5, respectively, along with, if possible, the lot numbers of each type of antipersonnel mine in the case of destruction in accordance with Article 4.*<sup>45</sup>

## 6. HOW SHOULD A STATE PARTY REPORT ON IMPLEMENTATION OF ARTICLE 5?

This obligation combines, reporting on the destruction of stockpiled anti-mines and on the destruction of emplaced mines. Clearly the information provided on numbers and types of emplaced anti-personnel mines is only useful as a complement to detailed and complete reporting on remaining mined areas and on programmes to render these areas no longer dangerous.

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> *The measures taken to provide an immediate and effective warning to the population in relation to all areas identified under paragraph 2 of Article 5.*<sup>44</sup>

In accordance with Action #19 of the *Cartagena Action Plan*, States Parties implementing Article 5 may wish to report on efforts to “provide mine risk reduction and education programmes, as part of broader risk assessment and reduction activities targeting the most at-risk populations, which are age-appropriate and gender-sensitive, coherent with applicable national and international standards, tailored to the needs of mine-affected communities and integrated into ongoing mine action activities, in particular data gathering, clearance and victim assistance as appropriate”.

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It should be noted that some States Parties have authorised entities to retain anti-personnel mines for permitted purposes – “for the development of and training in mine detection, mine clearance, or mine destruction techniques”.<sup>45</sup> Each State Party that has done so also has an obligation to provide information on the following:

> *The types, quantities and, if possible, lot numbers of all anti-personnel mines retained (...) for the development of and training in mine detection, mine clearance or mine destruction techniques (...) as well as the institutions authorized by a State Party to retain (...) anti-personnel mines, in accordance with Article.*

In fulfilling this obligation, States Parties may wish to take into account that at the *Cartagena Summit*, it was agreed in the *Cartagena Action Plan* that States Parties that have retained anti-personnel mines for permitted reasons will:

- > Regularly review the number of anti-personnel mines retained to ensure that they constitute the minimum number absolutely necessary for the purposes permitted by the Convention and destroy all those exceeding that number and where appropriate explore available alternatives to using live anti-personnel mines for training and research activities. (Action 56)
- > Annually report, on a voluntary basis, on the plans for and actual use of anti-personnel mines retained, explain any increase or decrease in the number of retained anti-personnel mines. (Action 57)

## 6. HOW SHOULD A STATE PARTY REPORT ON IMPLEMENTATION OF ARTICLE 5?

In addition, in Action #58 of the *Cartagena Action Plan* it was agreed that States Parties that have maintained the same number of retained anti-personnel mines over periods of years, and have not reported on the use of such mines for permitted purposes or on concrete plans for their use would be encouraged “to report on such use and such plans and to review whether these anti-personnel mines are needed and constitute the minimum number absolutely necessary for permitted purposes and to destroy those that are in excess of this number”.

### What are other instances when States Parties report?

In addition to fulfilling their legal obligations to report on the implementation of Article 5, States Parties are either formally or informally requested to provide information on Article 5 implementation at Meetings of the States Parties, Review Conferences and meetings of the Standing Committees. This is particularly pertinent for States Parties that have been granted extensions on deadlines for implementing Article 5.

In submitting requests for extensions on Article 5 deadlines, States Parties have both provided a baseline of what remains to be cleared or released during the extension period and made commitments regarding what they would do when, during this period.

Decisions on requests typically have taken note of this. At the Ninth Meeting of the States Parties, for example, requesting States Parties were encouraged “to provide updates relative to their accounting of remaining mined areas and / or annual benchmarks for progress at meetings of the Standing Committees, at the Second Review Conference and at Meetings of the States Parties”. In addition, decision language can reflect a specific time bound commitment to report by a specific State Party. For instance, the decisions on the request submitted by the United Kingdom referenced the agreement by the United Kingdom “to provide as soon as possible, but not later than 30 June 2010, a detailed explanation of how demining is proceeding and the implications for future demining....”

## 6. HOW SHOULD A STATE PARTY REPORT ON IMPLEMENTATION OF ARTICLE 5?

At the *Cartagena Summit* the importance of regular reporting by States Parties that have been granted extensions was also acknowledged. In Action 13 of the *Cartagena Action Plan*, it was agreed that “States Parties that have been granted an extension to their initial Article 5 deadline will... complete implementation of Article 5 as soon as possible but not later than their extended deadlines, ensure progress toward completion proceeds in accordance with the commitments made in their extension requests and the decisions taken on their requests, and report regularly on such progress to the meetings of the Standing Committee on Mine Clearance, Mine Risk Education and Mine Action Technologies, Meetings of the States Parties and Review Conferences”.

In addition to regular reporting by States Parties that have been granted extensions, typically all other States Parties still in the process of implementing Article 5 are encouraged to provide updates on their efforts at meetings of the Standing Committees and at Meetings of the States Parties.

### ENDNOTES

- <sup>1</sup> Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, Article 5, paragraph 2.
- <sup>2</sup> Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, Article 5, paragraph 2.
- <sup>3</sup> Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, Article 5, paragraph 1.
- <sup>4</sup> Final Report of the 28 November to 2 December 2005 Sixth 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, Part II, paragraph 62.
- <sup>5</sup> Maslen, S., *Commentaries on Arms Control Treaties, Volume I: The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction*. (Oxford: Oxford University Press, 2004).
- <sup>6</sup> Final Report of the 28 November to 2 December 2005 Sixth 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, Part II, paragraph 62.

## ENDNOTES

- <sup>7</sup> Final Report of the 28 November to 2 December 2005 Sixth 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, Part II, paragraph 63.
- <sup>8</sup> Final Report of the 30 November – 4 December 2009 Second 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, Part II: Review of the Operation and Status of the Convention 2005-2009, paragraph 62.
- <sup>9</sup> Final Report of the 30 November – 4 December 2009 Second 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, Part II: Review of the Operation and Status of the Convention 2005-2009, paragraph 62.
- <sup>10</sup> Final Report of the 18 to 22 September 2006 Seventh 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, Annex IV.
- <sup>11</sup> United Nations Mine Action Service. Guide for the application of International Mine Action Standards (IMAS), Second Edition, 1 January 2003.
- <sup>12</sup> Final Report of the 29 November – 3 December 2004 First 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, Part III: Nairobi Action Plan 2005-2009, Action #24.
- <sup>13</sup> Final Report of the 30 November – 4 December 2009 Second 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, Part II: Review of the Operation and Status of the Convention 2005-2009, paragraph 87.
- <sup>14</sup> Final Report of the 18 to 22 September 2006 Seventh 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, Part II, paragraph 26.
- <sup>15</sup> Final Report of the 24 to 28 November 2008 Ninth 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, Part I: Organisation and Work of the Ninth Meeting, paragraph 30.
- <sup>16</sup> Final Report of the 30 November – 4 December 2009 Second 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, Part II: Review of the Operation and Status of the Convention 2005-2009, paragraph 83.
- <sup>17</sup> Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, Article 7, paragraph 1.i.
- <sup>18</sup> Final Report of the 29 November – 3 December 2004 First 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, Part III: Nairobi Action Plan 2005-2009, Action #20.

- <sup>19</sup> Final Report of the 29 November – 3 December 2004 First 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, Part III: Nairobi Action Plan 2005-2009, Action #21.
- <sup>20</sup> Final Report of the 30 November – 4 December 2009 Second 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, Part II: Review of the Operation and Status of the Convention 2005-2009, paragraph 92.
- <sup>21</sup> Final Report of the 30 November – 4 December 2009 Second 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, Part II: Review of the Operation and Status of the Convention 2005-2009, paragraph 93.
- <sup>22</sup> Final Report of the 24 to 28 November 2008 Ninth 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, Annex II, paragraph 51.
- <sup>23</sup> Final Report of the 30 November – 4 December 2009 Second 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, Part II: Review of the Operation and Status of the Convention 2005-2009, paragraph 169.
- <sup>24</sup> Final Report of the 30 November – 4 December 2009 Second 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, Part II: Review of the Operation and Status of the Convention 2005-2009, paragraph 177.
- <sup>25</sup> See: GICHD, Linking Mine Action and Development – Official Development Cooperation Agencies: Guidelines for Policy and Programme Development, November 2008.
- <sup>26</sup> Final Report of the 30 November – 4 December 2009 Second 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, Part II: Review of the Operation and Status of the Convention 2005-2009, paragraph 97.
- <sup>27</sup> Article 5, paragraph 3.
- <sup>28</sup> Final Report of the 18 to 22 September 2006 Seventh 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, Annex II.
- <sup>29</sup> Final Report of the 18 to 22 September 2006 Seventh 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, Part I, paragraph 27.
- <sup>30</sup> Final Report of the 30 November – 4 December 2009 Second 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, Part II: Review of the Operation and Status of the Convention 2005-2009, paragraph 67.
- <sup>31</sup> Final Report of the 24 to 28 November 2008 Ninth 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, Annex II.

- <sup>32</sup> Final Report of the 30 November – 4 December 2009 Second 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, Part II: Review of the Operation and Status of the Convention 2005-2009, paragraph 72.
- <sup>33</sup> Final Report of the 30 November – 4 December 2009 Second 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, Part II: Review of the Operation and Status of the Convention 2005-2009, paragraph 73.
- <sup>34</sup> Final Report of the 30 November – 4 December 2009 Second 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, Part I: Organisation of the Work of the Second Review Conference, paragraph 27.
- <sup>35</sup> Final Report of the 30 November – 4 December 2009 Second 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, Part II: Review of the Operation and Status of the Convention 2005-2009, paragraph 74.
- <sup>36</sup> Final Report of the 30 November – 4 December 2009 Second 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, Part II: Review of the Operation and Status of the Convention 2005-2009, paragraph 77.
- <sup>37</sup> Correspondence from H.E. Jürg Streuli, Ambassador and Permanent Representative of Switzerland to the Conference on Disarmament and 9MSP President-Designate, 4 September 2008.
- <sup>38</sup> Rules of Procedure of Meetings of the States Parties of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, Rule 15.
- <sup>39</sup> Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, Article 5, paragraph 5.
- <sup>40</sup> Rules of Procedure of Meetings of the States Parties of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, Rule 17.
- <sup>41</sup> Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, Article 7, paragraph 1.c.
- <sup>42</sup> Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, Article 7, paragraph 1.f.
- <sup>43</sup> Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, Article 7, paragraph 1.g.
- <sup>44</sup> Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, Article 7, paragraph 1.i.
- <sup>45</sup> Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, Article 3, paragraph 1.

### THE CONVENTION ON THE PROHIBITION OF THE USE, STOCKPILING, PRODUCTION AND TRANSFER OF ANTI-PERSONNEL MINES AND ON THEIR DESTRUCTION

#### Preamble

The States Parties,

**Determined** to put an end to the suffering and casualties caused by anti-personnel mines, that kill or maim hundreds of people every week, mostly innocent and defenceless civilians and especially children, obstruct economic development and reconstruction, inhibit the repatriation of refugees and internally displaced persons, and have other severe consequences for years after emplacement,

**Believing** it necessary to do their utmost to contribute in an efficient and coordinated manner to face the challenge of removing anti-personnel mines placed throughout the world, and to assure their destruction,

**Wishing** to do their utmost in providing assistance for the care and rehabilitation, including the social and economic reintegration of mine victims,

**Recognizing** that a total ban of anti-personnel mines would also be an important confidence-building measure,

**Welcoming** the adoption of the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices, as amended on 3 May 1996, annexed to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, and calling for the early ratification of this Protocol by all States which have not yet done so,

**Welcoming** also United Nations General Assembly Resolution 51/45 S of 10 December 1996 urging all States to pursue vigorously an effective, legally-binding international agreement to ban the use, stockpiling, production and transfer of anti-personnel landmines,

**Welcoming** furthermore the measures taken over the past years, both unilaterally and multilaterally, aiming at prohibiting, restricting or suspending the use, stockpiling, production and transfer of anti-personnel mines,

**Stressing** the role of public conscience in furthering the principles of humanity as evidenced by the call for a total ban of anti-personnel mines and recognizing the efforts to that end undertaken by the International Red Cross and Red Crescent Movement, the International Campaign to Ban Landmines and numerous other non-governmental organizations around the world,



## ANNEX 1

### THE CONVENTION ON THE PROHIBITION OF THE USE, STOCKPILING, PRODUCTION AND TRANSFER OF ANTI-PERSONNEL MINES AND ON THEIR DESTRUCTION

**Recalling** the Ottawa Declaration of 5 October 1996 and the Brussels Declaration of 27 June 1997 urging the international community to negotiate an international and legally binding agreement prohibiting the use, stockpiling, production and transfer of anti-personnel mines,

**Emphasizing** the desirability of attracting the adherence of all States to this Convention, and determined to work strenuously towards the promotion of its universalization in all relevant fora including, inter alia, the United Nations, the Conference on Disarmament, regional organizations, and groupings, and review conferences of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects,

**Basing** themselves on the principle of international humanitarian law that the right of the parties to an armed conflict to choose methods or means of warfare is not unlimited, on the principle that prohibits the employment in armed conflicts of weapons, projectiles and materials and methods of warfare of a nature to cause superfluous injury or unnecessary suffering and on the principle that a distinction must be made between civilians and combatants,

Have agreed as follows:

#### Article 1 | General obligations

1. Each State Party undertakes never under any circumstances:
  - a. To use anti-personnel mines;
  - b. To develop, produce, otherwise acquire, stockpile, retain or transfer to anyone, directly or indirectly, anti-personnel mines;
  - c. To assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Convention.
2. Each State Party undertakes to destroy or ensure the destruction of all anti-personnel mines in accordance with the provisions of this Convention.

#### Article 2 | Definitions

1. "Anti-personnel mine" means a mine designed to be exploded by the presence, proximity or contact of a person and that will incapacitate, injure or kill one or more persons. Mines designed to be detonated by the presence, proximity or contact of a vehicle as opposed to a person, that are equipped with anti-handling devices, are not considered anti-personnel mines as a result of being so equipped.
2. "Mine" means a munition designed to be placed under, on or near the ground or other surface area and to be exploded by the presence, proximity or contact of a person or a vehicle.

### THE CONVENTION ON THE PROHIBITION OF THE USE, STOCKPILING, PRODUCTION AND TRANSFER OF ANTI-PERSONNEL MINES AND ON THEIR DESTRUCTION

3. "Anti-handling device" means a device intended to protect a mine and which is part of, linked to, attached to or placed under the mine and which activates when an attempt is made to tamper with or otherwise intentionally disturb the mine.
4. "Transfer" involves, in addition to the physical movement of anti-personnel mines into or from national territory, the transfer of title to and control over the mines, but does not involve the transfer of territory containing emplaced anti-personnel mines.
5. "Mined area" means an area which is dangerous due to the presence or suspected presence of mines.

#### Article 3 | Exceptions

1. Notwithstanding the general obligations under Article 1, the retention or transfer of a number of anti-personnel mines for the development of and training in mine detection, mine clearance, or mine destruction techniques is permitted. The amount of such mines shall not exceed the minimum number absolutely necessary for the above-mentioned purposes.
2. The transfer of anti-personnel mines for the purpose of destruction is permitted.

#### Article 4 | Destruction of stockpiled anti-personnel mines

Except as provided for in Article 3, each State Party undertakes to destroy or ensure the destruction of all stockpiled anti-personnel mines it owns or possesses, or that are under its jurisdiction or control, as soon as possible but not later than four years after the entry into force of this Convention for that State Party.

#### Article 5 | Destruction of anti-personnel mines in mined areas

1. Each State Party undertakes to destroy or ensure the destruction of all anti-personnel mines in mined areas under its jurisdiction or control, as soon as possible but not later than ten years after the entry into force of this Convention for that State Party.
2. Each State Party shall make every effort to identify all areas under its jurisdiction or control in which anti-personnel mines are known or suspected to be emplaced and shall ensure as soon as possible that all anti-personnel mines in mined areas under its jurisdiction or control are perimeter-marked, monitored and protected by fencing or other means, to ensure the effective exclusion of civilians, until all anti-personnel mines contained therein have been destroyed. The marking shall at least be to the standards set out in the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices, as amended on 3 May 1996, annexed to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects.

### THE CONVENTION ON THE PROHIBITION OF THE USE, STOCKPILING, PRODUCTION AND TRANSFER OF ANTI-PERSONNEL MINES AND ON THEIR DESTRUCTION

3. If a State Party believes that it will be unable to destroy or ensure the destruction of all anti-personnel mines referred to in paragraph 1 within that time period, it may submit a request to a Meeting of the States Parties or a Review Conference for an extension of the deadline for completing the destruction of such anti-personnel mines, for a period of up to ten years.
4. Each request shall contain:
  - a) The duration of the proposed extension;
  - b) A detailed explanation of the reasons for the proposed extension, including:
    - i. The preparation and status of work conducted under national demining programs;
    - ii. The financial and technical means available to the State Party for the destruction of all the anti-personnel mines; and
    - iii. Circumstances which impede the ability of the State Party to destroy all the anti-personnel mines in mined areas;
  - c) The humanitarian, social, economic, and environmental implications of the extension; and
  - d) Any other information relevant to the request for the proposed extension.
5. The Meeting of the States Parties or the Review Conference shall, taking into consideration the factors contained in paragraph 4, assess the request and decide by a majority of votes of States Parties present and voting whether to grant the request for an extension period.
6. Such an extension may be renewed upon the submission of a new request in accordance with paragraphs 3, 4 and 5 of this Article. In requesting a further extension period a State Party shall submit relevant additional information on what has been undertaken in the previous extension period pursuant to this Article.

#### Article 6 | International cooperation and assistance

1. In fulfilling its obligations under this Convention each State Party has the right to seek and receive assistance, where feasible, from other States Parties to the extent possible.
2. Each State Party undertakes to facilitate and shall have the right to participate in the fullest possible exchange of equipment, material and scientific and technological information concerning the implementation of this Convention. The States Parties shall not impose undue restrictions on the provision of mine clearance equipment and related technological information for humanitarian purposes.
3. Each State Party in a position to do so shall provide assistance for the care and rehabilitation, and social and economic reintegration, of mine victims and for mine awareness programs. Such assistance may be provided, inter alia, through the United Nations system, international, regional or national organizations or institutions, the International Committee of the Red Cross, national Red Cross and Red Crescent societies and their International Federation, non-governmental organizations, or on a bilateral basis.

### THE CONVENTION ON THE PROHIBITION OF THE USE, STOCKPILING, PRODUCTION AND TRANSFER OF ANTI-PERSONNEL MINES AND ON THEIR DESTRUCTION

4. Each State Party in a position to do so shall provide assistance for mine clearance and related activities. Such assistance may be provided, inter alia, through the United Nations system, international or regional organizations or institutions, non-governmental organizations or institutions, or on a bilateral basis, or by contributing to the United Nations Voluntary Trust Fund for Assistance in Mine Clearance, or other regional funds that deal with demining.
5. Each State Party in a position to do so shall provide assistance for the destruction of stockpiled anti-personnel mines.
6. Each State Party undertakes to provide information to the database on mine clearance established within the United Nations system, especially information concerning various means and technologies of mine clearance, and lists of experts, expert agencies or national points of contact on mine clearance.
7. States Parties may request the United Nations, regional organizations, other States Parties or other competent intergovernmental or non-governmental fora to assist its authorities in the elaboration of a national demining program to determine, inter alia:
  - a) The extent and scope of the anti-personnel mine problem;
  - b) The financial, technological and human resources that are required for the implementation of the program;
  - c) The estimated number of years necessary to destroy all anti-personnel mines in mined areas under the jurisdiction or control of the concerned State Party;
  - d) Mine awareness activities to reduce the incidence of mine-related injuries or deaths;
  - e) Assistance to mine victims;
  - f) The relationship between the Government of the concerned State Party and the relevant governmental, inter-governmental or non-governmental entities that will work in the implementation of the program.
8. Each State Party giving and receiving assistance under the provisions of this Article shall cooperate with a view to ensuring the full and prompt implementation of agreed assistance programs.

# THE CONVENTION ON THE PROHIBITION OF THE USE, STOCKPILING, PRODUCTION AND TRANSFER OF ANTI-PERSONNEL MINES AND ON THEIR DESTRUCTION

### Article 7 | Transparency measures

1. Each State Party shall report to the Secretary-General of the United Nations as soon as practicable, and in any event not later than 180 days after the entry into force of this Convention for that State Party on:
  - a) The national implementation measures referred to in Article 9;
  - b) The total of all stockpiled anti-personnel mines owned or possessed by it, or under its jurisdiction or control, to include a breakdown of the type, quantity and, if possible, lot numbers of each type of anti-personnel mine stockpiled;
  - c) To the extent possible, the location of all mined areas that contain, or are suspected to contain, anti-personnel mines under its jurisdiction or control, to include as much detail as possible regarding the type and quantity of each type of anti-personnel mine in each mined area and when they were emplaced;
  - d) The types, quantities and, if possible, lot numbers of all anti-personnel mines retained or transferred for the development of and training in mine detection, mine clearance or mine destruction techniques, or transferred for the purpose of destruction, as well as the institutions authorized by a State Party to retain or transfer anti-personnel mines, in accordance with Article 3;
  - e) The status of programs for the conversion or de-commissioning of anti-personnel mine production facilities;
  - f) The status of programs for the destruction of anti-personnel mines in accordance with Articles 4 and 5, including details of the methods which will be used in destruction, the location of all destruction sites and the applicable safety and environmental standards to be observed;
  - g) The types and quantities of all anti-personnel mines destroyed after the entry into force of this Convention for that State Party, to include a breakdown of the quantity of each type of anti-personnel mine destroyed, in accordance with Articles 4 and 5, respectively, along with, if possible, the lot numbers of each type of anti-personnel mine in the case of destruction in accordance with Article 4;
  - h) The technical characteristics of each type of anti-personnel mine produced, to the extent known, and those currently owned or possessed by a State Party, giving, where reasonably possible, such categories of information as may facilitate identification and clearance of anti-personnel mines; at a minimum, this information shall include the dimensions, fusing, explosive content, metallic content, colour photographs and other information which may facilitate mine clearance; and
  - i) The measures taken to provide an immediate and effective warning to the population in relation to all areas identified under paragraph 2 of Article 5.
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.
3. The Secretary-General of the United Nations shall transmit all such reports received to the States Parties.

**THE CONVENTION ON THE PROHIBITION OF THE USE, STOCKPILING, PRODUCTION AND TRANSFER OF ANTI-PERSONNEL MINES AND ON THEIR DESTRUCTION****Article 8** | Facilitation and clarification of compliance

1. The States Parties agree to consult and cooperate with each other regarding the implementation of the provisions of this Convention, and to work together in a spirit of cooperation to facilitate compliance by States Parties with their obligations under this Convention.
2. If one or more States Parties wish to clarify and seek to resolve questions relating to compliance with the provisions of this Convention by another State Party, it may submit, through the Secretary-General of the United Nations, a Request for Clarification of that matter to that State Party. Such a request shall be accompanied by all appropriate information. Each State Party shall refrain from unfounded Requests for Clarification, care being taken to avoid abuse. A State Party that receives a Request for Clarification shall provide, through the Secretary-General of the United Nations, within 28 days to the requesting State Party all information which would assist in clarifying this matter.
3. If the requesting State Party does not receive a response through the Secretary-General of the United Nations within that time period, or deems the response to the Request for Clarification to be unsatisfactory, it may submit the matter through the Secretary-General of the United Nations to the next Meeting of the States Parties. The Secretary-General of the United Nations shall transmit the submission, accompanied by all appropriate information pertaining to the Request for Clarification, to all States Parties. All such information shall be presented to the requested State Party which shall have the right to respond.
4. Pending the convening of any meeting of the States Parties, any of the States Parties concerned may request the Secretary-General of the United Nations to exercise his or her good offices to facilitate the clarification requested.
5. The requesting State Party may propose through the Secretary-General of the United Nations the convening of a Special Meeting of the States Parties to consider the matter. The Secretary-General of the United Nations shall there upon communicate this proposal and all information submitted by the States Parties concerned, to all States Parties with a request that they indicate whether they favour a Special Meeting of the States Parties, for the purpose of considering the matter. In the event that within 14 days from the date of such communication, at least one-third of the States Parties favours such a Special Meeting, the Secretary-General of the United Nations shall convene this Special Meeting of the States Parties within a further 14 days. A quorum for this Meeting shall consist of a majority of States Parties.
6. The Meeting of the States Parties or the Special Meeting of the States Parties, as the case may be, shall first determine whether to consider the matter further, taking into account all information submitted by the States Parties concerned. The Meeting of the States Parties or the Special Meeting of the States Parties shall make every effort to reach a decision by consensus. If despite all efforts to that end no agreement has been reached, it shall take this decision by a majority of States Parties present and voting.

### THE CONVENTION ON THE PROHIBITION OF THE USE, STOCKPILING, PRODUCTION AND TRANSFER OF ANTI-PERSONNEL MINES AND ON THEIR DESTRUCTION

7. All States Parties shall cooperate fully with the Meeting of the States Parties or the Special Meeting of the States Parties in the fulfillment of its review of the matter, including any fact-finding missions that are authorized in accordance with paragraph 8.
8. If further clarification is required, the Meeting of the States Parties or the Special Meeting of the States Parties shall authorize a fact-finding mission and decide on its mandate by a majority of States Parties present and voting. At any time the requested State Party may invite a fact-finding mission to its territory. Such a mission shall take place without a decision by a Meeting of the States Parties or a Special Meeting of the States Parties to authorize such a mission. The mission, consisting of up to 9 experts, designated and approved in accordance with paragraphs 9 and 10, may collect additional information on the spot or in other places directly related to the alleged compliance issue under the jurisdiction or control of the requested State Party.
9. The Secretary-General of the United Nations shall prepare and update a list of the names, nationalities and other relevant data of qualified experts provided by States Parties and communicate it to all States Parties. Any expert included on this list shall be regarded as designated for all fact-finding missions unless a State Party declares its non-acceptance in writing. In the event of non-acceptance, the expert shall not participate in fact-finding missions on the territory or any other place under the jurisdiction or control of the objecting State Party, if the non-acceptance was declared prior to the appointment of the expert to such missions.
10. Upon receiving a request from the Meeting of the States Parties or a Special Meeting of the States Parties, the Secretary-General of the United Nations shall, after consultations with the requested State Party, appoint the members of the mission, including its leader. Nationals of States Parties requesting the fact-finding mission or directly affected by it shall not be appointed to the mission. The members of the fact-finding mission shall enjoy privileges and immunities under Article VI of the Convention on the Privileges and Immunities of the United Nations, adopted on 13 February 1946.
11. Upon at least 72 hours notice, the members of the fact-finding mission shall arrive in the territory of the requested State Party at the earliest opportunity. The requested State Party shall take the necessary administrative measures to receive, transport and accommodate the mission, and shall be responsible for ensuring the security of the mission to the maximum extent possible while they are on territory under its control.
12. Without prejudice to the sovereignty of the requested State Party, the fact-finding mission may bring into the territory of the requested State Party the necessary equipment which shall be used exclusively for gathering information on the alleged compliance issue. Prior to its arrival, the mission will advise the requested State Party of the equipment that it intends to utilize in the course of its fact-finding mission.

**THE CONVENTION ON THE PROHIBITION OF THE USE, STOCKPILING, PRODUCTION AND TRANSFER OF ANTI-PERSONNEL MINES AND ON THEIR DESTRUCTION**

13. The requested State Party shall make all efforts to ensure that the fact-finding mission is given the opportunity to speak with all relevant persons who may be able to provide information related to the alleged compliance issue.
14. The requested State Party shall grant access for the fact-finding mission to all areas and installations under its control where facts relevant to the compliance issue could be expected to be collected. This shall be subject to any arrangements that the requested State Party considers necessary for:
  - a) The protection of sensitive equipment, information and areas;
  - b) The protection of any constitutional obligations the requested State Party may have with regard to proprietary rights, searches and seizures, or other constitutional rights; or
  - c) The physical protection and safety of the members of the fact-finding mission.In the event that the requested State Party makes such arrangements, it shall make every reasonable effort to demonstrate through alternative means its compliance with this Convention.
15. The fact-finding mission may remain in the territory of the State Party concerned for no more than 14 days, and at any particular site no more than 7 days, unless otherwise agreed.
16. All information provided in confidence and not related to the subject matter of the fact-finding mission shall be treated on a confidential basis.
17. The fact-finding mission shall report, through the Secretary-General of the United Nations, to the Meeting of the States Parties or the Special Meeting of the States Parties the results of its findings.
18. The Meeting of the States Parties or the Special Meeting of the States Parties shall consider all relevant information, including the report submitted by the fact-finding mission, and may request the requested State Party to take measures to address the compliance issue within a specified period of time. The requested State Party shall report on all measures taken in response to this request.
19. The Meeting of the States Parties or the Special Meeting of the States Parties may suggest to the States Parties concerned ways and means to further clarify or resolve the matter under consideration, including the initiation of appropriate procedures in conformity with international law. In circumstances where the issue at hand is determined to be due to circumstances beyond the control of the requested State Party, the Meeting of the States Parties or the Special Meeting of the States Parties may recommend appropriate measures, including the use of cooperative measures referred to in Article 6.
20. The Meeting of the States Parties or the Special Meeting of the States Parties shall make every effort to reach its decisions referred to in paragraphs 18 and 19 by consensus, otherwise by a two-thirds majority of States Parties present and voting.



# THE CONVENTION ON THE PROHIBITION OF THE USE, STOCKPILING, PRODUCTION AND TRANSFER OF ANTI-PERSONNEL MINES AND ON THEIR DESTRUCTION

### Article 9 | National implementation measures

Each State Party shall take all appropriate legal, administrative and other measures, including the imposition of penal sanctions, to prevent and suppress any activity prohibited to a State Party under this Convention undertaken by persons or on territory under its jurisdiction or control.

### Article 10 | Settlement of disputes

1. The States Parties shall consult and cooperate with each other to settle any dispute that may arise with regard to the application or the interpretation of this Convention. Each State Party may bring any such dispute before the Meeting of the States Parties.
2. The Meeting of the States Parties may contribute to the settlement of the dispute by whatever means it deems appropriate, including offering its good offices, calling upon the States Parties to a dispute to start the settlement procedure of their choice and recommending a time-limit for any agreed procedure.
3. This Article is without prejudice to the provisions of this Convention on facilitation and clarification of compliance.

### Article 11 | Meetings of the States Parties

1. The States Parties shall meet regularly in order to consider any matter with regard to the application or implementation of this Convention, including:
  - a) The operation and status of this Convention;
  - b) Matters arising from the reports submitted under the provisions of this Convention;
  - c) International cooperation and assistance in accordance with Article 6;
  - d) The development of technologies to clear anti-personnel mines;
  - e) Submissions of States Parties under Article 8; and
  - f) Decisions relating to submissions of States Parties as provided for in Article 5.
2. The first Meeting of the States Parties shall be convened by the Secretary-General of the United Nations within one year after the entry into force of this Convention. The subsequent meetings shall be convened by the Secretary-General of the United Nations annually until the first Review Conference.
3. Under the conditions set out in Article 8, the Secretary-General of the United Nations shall convene a Special Meeting of the States Parties.
4. States not parties to this Convention, as well as the United Nations, other relevant international organizations or institutions, regional organizations, the International Committee of the Red Cross and relevant non-governmental organizations may be invited to attend these meetings as observers in accordance with the agreed Rules of Procedure.

### THE CONVENTION ON THE PROHIBITION OF THE USE, STOCKPILING, PRODUCTION AND TRANSFER OF ANTI-PERSONNEL MINES AND ON THEIR DESTRUCTION

#### Article 12 | Review Conferences

1. A Review Conference shall be convened by the Secretary-General of the United Nations five years after the entry into force of this Convention. Further Review Conferences shall be convened by the Secretary-General of the United Nations if so requested by one or more States Parties, provided that the interval between Review Conferences shall in no case be less than five years. All States Parties to this Convention shall be invited to each Review Conference.
2. The purpose of the Review Conference shall be:
  - a) To review the operation and status of this Convention;
  - b) To consider the need for and the interval between further Meetings of the States Parties referred to in paragraph 2 of Article 11;
  - c) To take decisions on submissions of States Parties as provided for in Article 5; and
  - d) To adopt, if necessary, in its final report conclusions related to the implementation of this Convention.
3. States not parties to this Convention, as well as the United Nations, other relevant international organizations or institutions, regional organizations, the International Committee of the Red Cross and relevant non-governmental organizations may be invited to attend each Review Conference as observers in accordance with the agreed Rules of Procedure.

#### Article 13 | Amendments

1. At any time after the entry into force of this Convention any State Party may propose amendments to this Convention. Any proposal for an amendment shall be communicated to the Depositary, who shall circulate it to all States Parties and shall seek their views on whether an Amendment Conference should be convened to consider the proposal. If a majority of the States Parties notify the Depositary no later than 30 days after its circulation that they support further consideration of the proposal, the Depositary shall convene an Amendment Conference to which all States Parties shall be invited.
2. States not parties to this Convention, as well as the United Nations, other relevant international organizations or institutions, regional organizations, the International Committee of the Red Cross and relevant non-governmental organizations may be invited to attend each Amendment Conference as observers in accordance with the agreed Rules of Procedure.
3. The Amendment Conference shall be held immediately following a Meeting of the States Parties or a Review Conference unless a majority of the States Parties request that it be held earlier.

### THE CONVENTION ON THE PROHIBITION OF THE USE, STOCKPILING, PRODUCTION AND TRANSFER OF ANTI-PERSONNEL MINES AND ON THEIR DESTRUCTION

4. Any amendment to this Convention shall be adopted by a majority of two-thirds of the States Parties present and voting at the Amendment Conference. The Depositary shall communicate any amendment so adopted to the States Parties.
5. An amendment to this Convention shall enter into force for all States Parties to this Convention which have accepted it, upon the deposit with the Depositary of instruments of acceptance by a majority of States Parties. Thereafter it shall enter into force for any remaining State Party on the date of deposit of its instrument of acceptance.

#### Article 14 | Costs

1. The costs of the Meetings of the States Parties, the Special Meetings of the States Parties, the Review Conferences and the Amendment Conferences shall be borne by the States Parties and States not parties to this Convention participating therein, in accordance with the United Nations scale of assessment adjusted appropriately.
2. The costs incurred by the Secretary-General of the United Nations under Articles 7 and 8 and the costs of any fact-finding mission shall be borne by the States Parties in accordance with the United Nations scale of assessment adjusted appropriately.

#### Article 15 | Signature

This Convention, done at Oslo, Norway, on 18 September 1997, shall be open for signature at Ottawa, Canada, by all States from 3 December 1997 until 4 December 1997, and at the United Nations Headquarters in New York from 5 December 1997 until its entry into force.

#### Article 16 | Ratification, acceptance, approval or accession

1. This Convention is subject to ratification, acceptance or approval of the Signatories.
2. It shall be open for accession by any State which has not signed the Convention.
3. The instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.

### THE CONVENTION ON THE PROHIBITION OF THE USE, STOCKPILING, PRODUCTION AND TRANSFER OF ANTI-PERSONNEL MINES AND ON THEIR DESTRUCTION

#### Article 17 | Entry into force

1. This Convention shall enter into force on the first day of the sixth month after the month in which the 40th instrument of ratification, acceptance, approval or accession has been deposited.
2. For any State which deposits its instrument of ratification, acceptance, approval or accession after the date of the deposit of the 40th instrument of ratification, acceptance, approval or accession, this Convention shall enter into force on the first day of the sixth month after the date on which that State has deposited its instrument of ratification, acceptance, approval or accession.

#### Article 18 | Provisional application

Any State may at the time of its ratification, acceptance, approval or accession, declare that it will apply provisionally paragraph 1 of Article 1 of this Convention pending its entry into force.

#### Article 19 | Reservations

The Articles of this Convention shall not be subject to reservations.

#### Article 20 | Duration and withdrawal

1. This Convention shall be of unlimited duration.
2. Each State Party shall, in exercising its national sovereignty, have the right to withdraw from this Convention. It shall give notice of such withdrawal to all other States Parties, to the Depositary and to the United Nations Security Council. Such instrument of withdrawal shall include a full explanation of the reasons motivating this withdrawal.
3. Such withdrawal shall only take effect six months after the receipt of the instrument of withdrawal by the Depositary. If, however, on the expiry of that six-month period, the withdrawing State Party is engaged in an armed conflict, the withdrawal shall not take effect before the end of the armed conflict.
4. The withdrawal of a State Party from this Convention shall not in any way affect the duty of States to continue fulfilling the obligations assumed under any relevant rules of international law.

## ANNEX 1

### THE CONVENTION ON THE PROHIBITION OF THE USE, STOCKPILING, PRODUCTION AND TRANSFER OF ANTI-PERSONNEL MINES AND ON THEIR DESTRUCTION

#### **Article 21** | Depositary

The Secretary-General of the United Nations is hereby designated as the Depositary of this Convention.

#### **Article 22** | Authentic texts

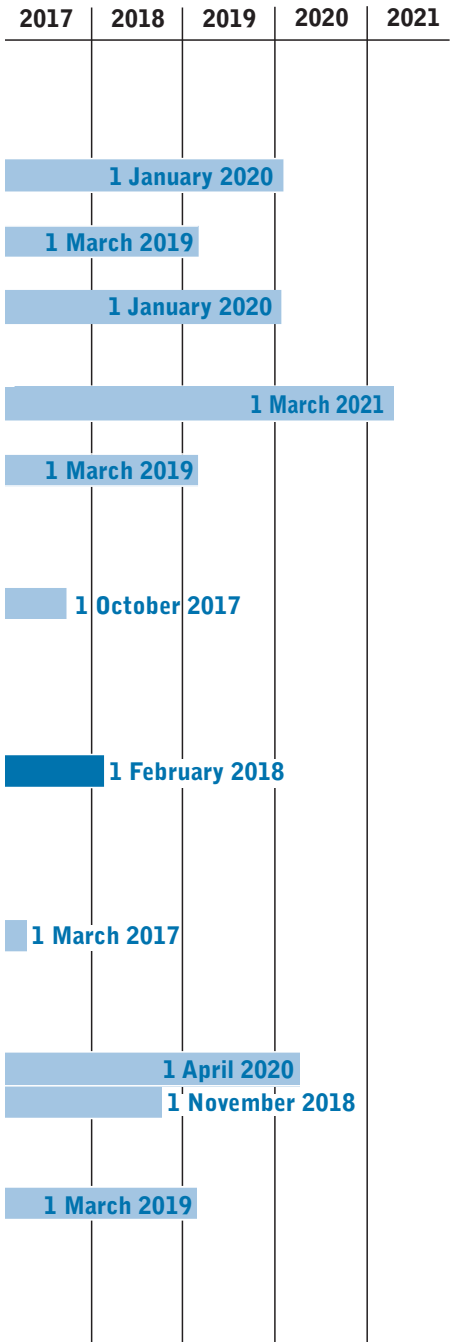
The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

## ARTICLE 5 MINE CLEARANCE DEADLINES

	2009	2010	2011	2012	2013	2014	2015	2016
Afghanistan			1 March 2013					
Algeria		1 April 2012						
Angola			1 January 2013					
Argentina		1 March 2010						
Bhutan						1 February 2016		
Bosnia and H.	1 March 2009							
Burundi				1 April 2014				
Cambodia		1 March 2010						
Chad	1 Nov. 2009			1 January 2014				
Chile			1 March 2012					
Colombia			1 March 2011					
Congo, Rep. of			1 November 2011					
Croatia	1 March 2009							
Cyprus				1 July 2013				
DRC				1 November 2012				
Denmark	1 March 2009			1 July 2012				
Ecuador	1 October 2009							
Eritrea			1 February 2012					
Ethiopia						1 June 2015		
Gambia				1 March 2013				
Guinea-Bissau			1 November 2011	1 January 2012				
Iraq								
Jordan	1 May 2009			1 May 2012				
Mauritania	1 January 2011					1 January 2016		
Mozambique	1 March 2009			1 May 2014				
Nigeria			1 March 2012					
Peru	1 March 2009							
Senegal	1 March 2009					1 March 2016		
Serbia				1 March 2014				
Sudan				1 April 2014				
Tajikistan			1 April 2010					
Thailand	1 May 2009							
Turkey				1 March 2014				
Uganda	1 August 2009			1 August 2012				
United Kingdom	1 March 2009							
Venezuela	1 October 2009			1 October 2014				
Yemen	1 March 2009					1 March 2015		
Zimbabwe	1 March 2009				1 January 2013			

## ANNEX 2

### ARTICLE 5 MINE CLEARANCE DEADLINES



**SAMPLE TABLE FOR REPORTING COMPLETION**

	Name of the area under the jurisdiction or control of the State Party in which antipersonnel mines are emplaced or are suspected to be emplaced	Identification of the area under the jurisdiction or control of the State Party in which antipersonnel mines are emplaced or are suspected to be emplaced	Geographic Coordinates	Size of the area under the jurisdiction or control of the States Party in which mines are emplaced or are suspected to be emplaced (square meters)	Size of the area that has been addressed (square meters)
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
...					
....					
.....					
.....					





**ARTICLE 5 ANALYSING GROUP EXTENSION REQUEST CHECKLIST**

**Requesting State Party** \_\_\_\_\_

	Relevant Facts in Request	Remarks   Views
<p>Total land requiring clearance at entry into force, as defined in Article 2, paragraph 5</p>		
<p>Estimated land remaining to be cleared, in accordance with Article 5 paragraph 4.b.i</p>		
<p>Amount of time requested, in accordance with Article 5, paragraph 4.a</p>		
<p>Circumstances which impeded the ability of the requesting state party to fulfil its obligations, in accordance with Article 5 paragraph 4.b.iii</p>		
<p>Annual projections of mined areas to be released, in accordance with Article 5 paragraph 4.b.i</p>		
<p>Methods to be used to render mined areas no longer dangerous, in accordance with Article 5, paragraph 4.b.i and Article 5, paragraph 4.b.ii</p>		
<p>National financial resources required, in accordance with Article 5, paragraph 4.b.ii</p>		
<p>International financial resources required, in accordance with Article 5, paragraph 4.b.ii</p>		
<p>Humanitarian, social, economic and environmental implications of the extension, in accordance with Article 5, paragraph 4.c</p>		
<p>Any other information relevant to the request, in accordance with Article 5, paragraph 4.d</p>		

**Conclusions** \_\_\_\_\_

### OUTLINE FOR PREPARING AN ARTICLE 5 EXTENSION REQUEST

#### I. Executive Summary

This could be 2-5 pages long, summarising the essential details required in accordance with Article 5, paragraph 4 and containing any other essential information which the requesting State Party would want to quickly and efficiently communicate.

#### II. Detailed Narrative

1. Origins of the Article 5 implementation challenge
2. Nature and extent of the original Article 5 challenge: quantitative aspects
3. Nature and extent of the original Article 5 challenge: qualitative aspects
4. Methods used to identify areas containing AP mines and reasons for suspecting the presence of AP mines in other areas
5. National demining structures
6. Nature and extent of progress made: quantitative aspects
7. Nature and extent of progress made: qualitative aspects
8. Methods & standards used to release areas known or suspected to contain AP mines
9. Methods & standards of controlling and assuring quality
10. Efforts undertaken to ensure the effective exclusion of civilians from mined areas
11. Resources made available to support progress made to date
12. Circumstances that impede compliance in a 10 year period
13. Humanitarian, economic, social and environmental implications
14. Nature and extent of the remaining Article 5 challenge: quantitative aspects
15. Nature and extent of the remaining Article 5 challenge: qualitative aspects
16. Amount of time requested and a rationale for this amount of time
17. Detailed work plan for the period of the requested extension
  - > If necessary, what survey activities will take place when to determine the actual location, size and other characteristics of mined areas?
  - > How much will be released during each year of the extension period? (e.g., How much area? How many areas? Which areas? How will priorities be established?)
  - > What demining, survey and other land release methods and what standards applied?
  - > What is the annual cost and for what?
  - > What are the expected sources of funding / other resources to implement the plan?
  - > What assumptions are made regarding the realisation of the plan?
  - > What are potential risk factors that may affect realisation of the plan?
18. Institutional, human resource and material capacity

## ANNEX 6

### SAMPLE TABLE FOR REPORTING ON MINED AREAS IN ACCORDANCE WITH ARTICLE 7

	Subnational unit (Province, district, etc....)	Locality	Name of area in which anti-personnel mines were/ are known/ suspected to be emplaced	ID/code for area or task	Geographic references	Original estimated size of area
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						







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The Implementation Support Unit is the standing support to the Convention and the States Parties, having been hosted by the Geneva International Centre for Humanitarian Demining pursuant to a 2001 formal decision of the States Parties.

The Implementation Support Unit is a cost-effective and innovative means to service the needs of the States Parties and through its mandate has been authorised to communicate about the Convention and its implementation. It is funded on a voluntary basis by States Parties to the Convention.





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