

Wednesday, 1 July 2020, 16:15 – 17:15 CET

Panel Discussion: Addressing anti-personnel mines of an improvised nature under the framework of the Convention

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1. It's useful to start by a reminder that this is **not a new issue** – as a sector, we've been dealing with victim-activated IEDs which meet the definition of anti-personnel mines for decades – for example, in State Parties Afghanistan and Colombia.
2. However, the **scale of the use of anti-personnel mines of an improvised nature** is of note and has caused increased attention in recent years – notably, the huge scale of contamination resulting from use of such devices by Islamic State in Iraq and Syria.

Increased use of improvised mines, as they're also referred to, has sadly caused **casualty numbers to go up**. According to the Landmine Monitor, in 2018, for the third consecutive year the highest number of annual casualties was caused by improvised mines. And countries with high and increasing numbers of casualties are mostly those with improvised mine casualties.

3. More recent use of improvised mines, however, is **not just limited to the Middle East**. We have also seen use in recent years by non-state armed groups in the Americas, in South Asia, in Sub-Saharan Africa, especially by non-state armed groups in the Lake Chad basin and Sahel, and in North Africa, such as State not Party Libya. In **Libya**, the recent use of victim-activated IEDs (i.e. improvised mines) in and near people homes, was highlighted in the press release by the President of the APMBC, Sudan, at the beginning of this month.

In some countries, such as **Iraq**, there's also been significant contamination from victim-activated IEDs in buildings and more urban settings.

4. Sometimes such improvised devices represent the **majority of the mine contamination**, like **Colombia** or State not Party **Myanmar**. Other States might have a **mix of conventionally made mines and improvised mines**, such as in **Yemen** and **Sri Lanka**. And sometimes anti-personnel mines of an improvised nature only make up a **small proportion of the overall mine contamination** for example in **Somalia** and **Ukraine**.
5. We're seeing **asymmetric, protracted conflict in many countries**, involving non-state armed groups. The use of improvised mines use is an unfortunate reality and one which seems likely to persist.

There's sometimes confusion in people seeing IED contamination purely as counter-IED issue, separate to the obligations of the Mine Ban Treaty. But **irrespective of who made or laid the improvised devices, be they non-state actors, insurgents, or terrorists, if the resulting emplaced IEDs are victim activated and meet the definition of a mine, then they're covered by the provisions of the Treaty** – and such contamination must be reported, surveyed, and cleared under the Treaty.

What the Mine Ban Treaty does NOT cover is time delay-IEDs, command detonated-IEDs, or suicide borne-IEDs. This is why State Parties must not record improvised anti-personnel mines only under the catch-all category of IEDs. The victim-activated devices covered by the treaty

must be separated out from non-victim activated IEDs that aren't covered.

6. Unfortunately, as a result of new use, States Parties which formerly had no obligations under Article 5 may have new clearance obligations as a result.

Nigeria, for example, didn't previously have an Article 5 obligation as its original deadline had expired. However, as announced by Nigeria in its statement at the Oslo Review Conference, it has suffered from new use of improvised mines. We look forward to Nigeria providing more information in its Article 7 report and submitting its Article 5 Extension Request to help it remain within Treaty compliance while possible anti-personnel mined areas exist and until Nigeria can survey and if confirmed, clear them.

Cameroon may well be in the same position, and if it does have improvised mine contamination, it too should report these devices and efforts to address them in its Article 7 report and if suspected or confirmed mined areas are found to exist, request a new Article 5 deadline.

Niger, which is requesting an extension to its Article 5 deadline this year, should ensure any victim-activated IEDs that meet the definition of an anti-personnel mine, are included in its extension request. It looks likely that such contamination is emerging in Niger's western border regions.

Neighbouring State Party, **Burkina Faso**, may well also be affected by victim-activated IEDs that meet the definition of an anti-personnel mine and should likewise make every effort to identify all areas under its jurisdiction or control in which these devices are known or suspected to be placed, and the report any such areas under the treaty.

7. Article 5 implementation is not about just adding or removing countries from a list. It's about States Parties addressing the humanitarian harm caused by mines – whether they be improvised or conventionally made.

As a sector we need to **encourage and incentivise the correct and transparent recording of improvised mine contamination** under the Treaty.

8. **Action point 21 of the Oslo Action Plan** is especially pertinent and its corresponding indicator is *the number of States Parties that apply the provisions of the Convention to anti-personnel mines of improvised nature* – i.e. the number that survey, clear and report such devices.
9. It's therefore important that **all States Parties** that have improvised mine contamination **report these under Article 7 of the Mine Ban Treaty and address them under Article 5**. The **Article 5 committee will be establishing the baseline of the OAP this year**, against which progress in indicators will be measured. **Mine Action Review will also be shadow monitoring survey and clearance-related indicators of the OAP** too, and establishing a baseline for the OAP implementation, based on information we collect as part of our annual research for the *Clearing the Mines* report.

We **encourage States Parties that know or suspect that they have improvised mine contamination to specify this in their Article 7 reporting**, so we can reflect this in establishing the baseline of how many States Parties are affected and how many of those are correctly applying the provisions of the treaty.

Thank you.