

**PRELIMINARY OBSERVATIONS
COMMITTEE ON ARTICLE 5 IMPLEMENTATION
(Netherlands, Austria, Canada and Colombia)**

**Intersessional Meetings
22-24 May 2019**

PART 1: Introduction

I. Activities of the Committee

1. The Committee met for the first time on 14 December 2018 to discuss its work plan for the coming year and has met regularly since.
2. On 29 January 2019 the Committee distributed a communication to the States Parties as follows:
 - a. to States Parties with Article 5 deadlines in 2020 that were obliged to submit request for extension by 31 March 2019 - Argentina, Cambodia, Chad, Eritrea, Ethiopia, Tajikistan and Yemen - to recall to them the Article 5 extension request process established by the States Parties as well as to recall their obligation to submit their annual transparency report by the 30 April deadline and to encourage them to use the Guide to Reporting;
 - b. to States Parties with Article 5 deadlines in 2021 that may need to submit request for extension by 31 March 2020 - Bosnia and Herzegovina, Colombia, the Democratic Republic of the Congo, Senegal, and South Sudan – to recall to them the Article 5 extension request process established by the States Parties as well as to recall their obligation to submit their annual transparency report by the 30 April deadline and to encourage them to use the Guide to Reporting;
 - c. to 16 States Parties in the process of implementing Article 5 obligations to recall to them the Article 5 extension request process established by the States Parties as well as to recall their obligation to submit their annual transparency report by the 30 April deadline and to encourage them to use the Guide to Reporting;
 - d. to 5 States Parties - Ecuador, Iraq, Thailand, Ukraine and Zimbabwe - which were due to submit updated work plans / additional information in accordance with previously granted extension requests and provide additional information as requested by decisions taken by Meetings of the States Parties on their requests for extension as well as to recall their obligation to submit their annual transparency report by the 30 April deadline and to encourage them to use the Guide to Reporting.
3. During the United Nations National Mine Action Directors Meeting (6 – 8 February 2019), the Committee held bilateral meetings with representatives of Tajikistan and Yemen which had indicated that they would need to submit a request for extension in 2019, in order to discuss progress in the development and submission of their requests. In addition, the Committee met with Ecuador, Iraq, Thailand, and Ukraine to discuss their progress and challenges in implementing their mine clearance obligations and in providing an updated work plan.

4. On 14 February 2019, the Committee met with the Committee on the Enhancement of Cooperation and Assistance to share their goals and objectives for the year and to discuss areas of mutual collaboration.
5. The Committee carried out efforts to meet with States Parties in which reports have surfaced of the presence of anti-personnel mines in areas within their jurisdiction or control. In this regard, on 7 March 2019, the Committee held bilateral meetings with Nigeria in order to discuss the importance of Nigeria's submission of their annual transparency report to provide information concerning this matter as well as to raise awareness of the understandings of the States Parties concerning anti-personnel mines of an improvised nature and what this might mean for respective States Party in relation to the established process of Article 5 extension (with a particular reference to the paper prepared by the Committee on Article 5 Implementation entitled "Reflections and understandings on the implementation and completion of Article 5 mine clearance obligations" presented to the Seventeenth Meeting of the States Parties). The Committee further offered its support to Nigeria in this regard as well as encouraged Nigeria to seek the support of the Convention's Implementation Support Unit.
6. The Committee carried out efforts to ensure the effective and efficient implementation of the Article 5 extension request process as established by the States Parties. In this regard:
 - a. following receipt of extension requests from Argentina, Cambodia, Ethiopia, Tajikistan and Yemen the Committee reached out to expert organisations on 9 April 2019 to request input on those requests, in accordance with the process established by the States Parties;
 - b. on 9 April 2019, the Committee sent a letter to States Parties to inform them of the receipt of requests for extension submitted by Argentina, Cambodia, Ethiopia, Tajikistan and Yemen and to point out that Chad's extension request had still not been received. With the extension request process ongoing, the engagement with these States Parties continues to date;
 - c. on 16 April 2019, after having received extension request by Chad, the Committee reached out to expert organisations on 5 May 2019 to request input on the request, in accordance with the process established by the States Parties;
 - d. on 7 May 2019, the Committee sent a letter to States Parties to inform them of the receipt of the request for extension submitted by Chad.
7. The Committee began the process of updating the publication entitled "Understanding Mine Clearance in the Context of the AP Mine Ban Convention" to update the guidance provided to States Parties on the Implementation of Article 5, in particular to bring it in line with the further developed understandings and decisions that the Meetings of States Parties have taken subsequent to its initial publication in 2012.
8. Furthermore, the Committee began placing a specific focus on drawing information on mine casualties reported by States Parties and their relationship to ongoing Mine Risk Education activities and intends to continue its research in this regard following the intersessional meetings.
9. In the lead up to the Intersessional Meetings the Committee worked on the development of preliminary observations based on information submitted by the States Parties. The methodology for the preparation of preliminary observations was based on the methodology used by the Committee in previous years.

10. The Committee further worked on supporting States Parties in their preparations for the intersessional meetings, amongst others through guiding questions and the development of templates to assist presentations, and on arranging bi-lateral meetings to take place a day prior to the intersessional meetings concerning Article 5 extension request process with organization and States as well as during the intersessional meetings with States Parties with deadlines in 2021 and those with outstanding work plans and commitments.

II. Methodology for the preparation of preliminary observations

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

12. In line with its purpose of intensifying efforts to ensure the full implementation of Article 5, and in an effort to continue the approach established in 2015, the Committee gave particular attention to the following aspects of the Maputo Action Plan:

- a. increased clarity regarding remaining implementation challenges, with this clarity encouraged through Article 7 reports, Article 5 extension requests and information provided pursuant to decisions taken on requests;
- b. improvements in the measurability of Article 5 implementation over time, with improvements in the quality of information permitting greater understanding and comparability;
- c. efficient and expedient implementation with commitments to apply the most relevant land release standards and methodologies;

13. Given the subject matter covered in Actions #8 to #11, the Committee proceeded in preparing preliminary observations on the following matters:

- Clarity regarding remaining challenges
- Progress in implementation
- National plans for clearance and survey
- The application of land release standards, policies and methodologies
- Actions related to commitments in extension requests and decisions on requests
- Mine risk reduction efforts

14. In reviewing information provided by States Parties on Article 5 implementation, the Committee noted different degrees of clarity regarding the location of all areas that contain, or are suspected to contain, anti-personnel mines. As a result, the Committee has used terminology in its preliminary observations in the following manner:

- a. “high degree of clarity” has been used when a State Party has provided a list of all remaining areas known or suspected to contain anti-personnel mines and with this list including the estimated size of each area, the status of each area (i.e., “known” or “suspected”), and information on the geographic location of each area.
- b. “clarity” has been used when a State Party has provided a summary table of all remaining areas known or suspected to contain anti-personnel mines according to regions / provinces / districts within the State, with this list including the number of areas known to contain anti-personnel mines and the number of areas suspected to contain anti-personnel mines in each region / province / district within the State, and the estimated size of the area concerned per region / province / district.
- c. “some clarity” has been used when a State Party has provided a summary table listing some information related to the number of areas known or suspected to contain anti-personnel mines in each region / province / district within the State.

II. Information provided by States Parties on Article 5 implementation

15. At the close of the Seventeenth Meeting of the States Parties (17MSP), 32 States Parties had reported having an obligation under Article 5 of the Convention.

16. Of the 32 States Parties in the process of fulfilling obligations under Article 5, until 10 May 2019, the following had provided information on progress in implementation:

- a. 18 States Parties submitted Article 7 transparency reports containing updated information on implementation of Article 5: Angola, Argentina, Bosnia and Herzegovina, Cambodia, Chile, Colombia, the Democratic Republic of the Congo, Ecuador, State of Palestine, Somalia, Sudan, Tajikistan, Thailand, Turkey, Ukraine, the United Kingdom, Yemen and Zimbabwe.
- b. of the four States Parties that were due to submit updated information/work plans by 30 April pursuant to decisions taken on their requests for extended deadlines – Ecuador, Thailand, Zimbabwe, and Ukraine – all four States Parties submitted updated information/work plans.
- c. of the eight States Parties with Article 5 deadlines in 2020, which would be required to submit a request for extension for consideration by the Fourth Review Conference should they not be in a position to declare completion by their respective deadlines, six submitted requests for extension - Argentina, Cambodia, Chad, Ethiopia, Tajikistan and Yemen.
- d. additionally, Mozambique submitted information concerning the status of currently inaccessible areas.
- e. in spite of the Committee’s best efforts, including through assistance from the Presidency and other members of the Coordinating Committee, and sustained dialogue and attempts at it, Eritrea has not submitted an Article 7 Report providing an update on progress in implementation since the Third Review Conference. As of 10 May 2019 Eritrea has also failed to submit a request for extension in accordance with the extension request process established by the 7MSP.

17. Of the 32 States Parties in the process of fulfilling obligations under Article 5, as of 10 May 2019, 14 did not submit Article 7 reports to update information on areas known or suspected to contain anti-personnel mines and on measures to address these areas: Afghanistan, Chad, Croatia, Cyprus, Eritrea, Ethiopia, Iraq, Niger, Oman, Peru, Senegal Serbia, South Sudan, Sri Lanka.

III. Observations of a general nature

18. The Committee welcomes the information submitted by States Parties as well as the engagement with the Committee during bilateral meetings which has allowed for a cooperative dialogue to take place between the Committee and the States Parties.

19. The Committee observes that there has been a slight drop in the number of reports submitted to date (22 reports submitted by the Intersessional Meetings in 2018). The Committee recalls that the submission of an Article 7 report on an annual basis is an obligation under the Convention. The Committee observes that, in spite of this drop, a positive trend was observed in the quality of some of the reports submitted.

20. The Committee recalls in its conclusions presented to the 17MSP, that of the 14 States Parties that have not reported in 2019, Eritrea and Niger stand out for repeatedly failing to report in a consistent manner for the last 4 to 6 years.

21. In this regard, the Committee continues to be concerned about States Parties with Article 5 obligations that have not submitted their Article 7 transparency reports and emphasises the importance of the submission of outstanding reports in order to inform the States Parties of progress in implementation in your State and to allow the Committee to develop its conclusions to be presented to the Fourth Review Conference.

22. The Committee emphasizes the importance of timely submission to ensure early engagement with the Committee and support the timely preparation of the States Parties for the Intersessional Meetings. The Committee further observes that, despite efforts to encourage its use, not all States Parties with Article 5 obligations have employed the guidance contained in the Guide to Reporting, which could be of considerable assistance in providing clarity concerning progress and status in implementing Article 5 commitments.

23. The Committee is grateful to the following 11 State Parties for having employed parts of the Guide to Reporting to provide as much clarity as possible concerning their remaining challenge and progress made: Angola, Cambodia, Chile, the Democratic Republic of the Congo, Ecuador, Somalia, Sudan, Tajikistan, Thailand, Turkey and Zimbabwe.

24. The Committee observes that the majority of States Parties reported progress in a manner that was comparable with that provided previously, with particular reference to information provided in States extension requests. The Committee noted that increased clarity in the reporting of progress in implementation including through the use of table as set out in the Guide to Reporting, on the number of areas, type of areas (suspected/confirmed) and size of these areas required to be addressed would further increase clarity.

25. The Committee observes that some States Parties have not yet adopted the most relevant land release standards, policies and methodologies, in line with the International Mine Action Standards (IMAS) and in a manner consistent with Action #9 of the Maputo Action Plan. The Committee also observes that amendments made by States Parties to their national standards are not always shared in accordance with Action #9. The Committee notes that direct

engagement with concerned States Parties is needed to ensure the implementation of the IMAS and remedy the lack of clarity when reporting progress and clarifying remaining challenges.

26. The Committee observes that in a number of cases progress in implementation could be more clearly presented if all States implementing Article 5 obligations used terminology contained within, and in a manner consistent with, the IMAS (i.e. “confirmed hazardous area”, “suspected hazardous area”; disaggregating data by activity that is non-technical survey, technical survey and clearance; reporting progress according to the result of each activity that is land that is cancelled, reduced, cleared). The Committee notes that direct engagement with concerned States Parties is needed to ensure the proper use of this terminology.
27. The Committee observes that a number of States Parties could provide additional clarity regarding their remaining challenge by providing a list of the remaining areas known or suspected to contain anti-personnel mines, with this list including the estimated size of each area, the status of each area (i.e. “confirmed hazardous area”, “suspected hazardous area”) and information on the geographic location of each area in conformity with the Guide to Reporting. The Committee noted that direct engagement with concerned States Parties is needed to increase clarity.
28. The Committee observes that a number of States Parties continue to face challenges in implementing their Article 5 commitments due to a number of factors including large areas pending to be addressed, funding challenges and security concerns. The Committee noted that it is essential for States Parties to continue to clearly report on the challenges they face in implementing their Article 5 commitments. The Committee further notes that States Parties facing challenges in implementation could consider taking part in the Convention’s individualized approach led by the Committee on the Enhancement of Cooperation and Assistance.
29. The Committee observes that in a number of cases progress in addressing mined areas varies substantively from one year to the next and in some cases the remaining challenge also is subject to substantial variations. The Committee encourages States Parties to provide details on relevant national standards, in line with the International Mine Action Standards (IMAS) regarding information management for mine action and further actions taken to reduce the occurrence of variations in reports.
30. The Committee observes that, in addition to anti-personnel mines, a number of States Parties face challenges associated with other explosive remnants of war and UXOs. In these States Parties, efforts to implement Article 5 are only part of the totality of efforts required to address explosive hazards. The Committee observes that, this being the case, it is important that States Parties continue to disaggregate their contamination in order to ensure clarity concerning the remaining challenge.
31. In its paper entitled “Reflections and understandings on the implementation and completion of Article 5 mine clearance obligations” presented to and welcomed by the Seventeenth Meeting of the States Parties, the Committee recalled that “the definition contained in Article 2.1 makes no distinction between an anti-personnel mine that has been “manufactured” and one that has been “improvised”, since negotiators aimed for an effect based definition. In this context, “States Parties affected by the latter type of anti-personnel mines must address them as part of their overall implementation challenge under the Convention including, in the fulfilment of Article 5 and Article 7 (transparency measures) commitments.” The Committee encourages all States Parties affected by anti-personnel mines to sustain a continued dialogue with the Committee.

32. The Committee recalls that States Parties which discover mined areas, including newly mined areas, after its original or extended deadline to implement Article 5 has expired must apply the decision of the Twelfth Meeting of the States Parties concerning situations in which a State Party discovers mined areas, including newly mined areas, after its original or extended deadline to implement Article 5 has expired is pertinent and must be applied by States Parties finding themselves in situations foreseen by that decision. The Committee recalls the importance of States Parties adhering to this decision.
33. Acknowledging the valuable contribution of the Anti-Personnel Mine Ban Convention's Implementation Support Unit, the Committee notes that States Parties requiring assistance are best served by directly engaging with the ISU in order to benefit from its advice and support in matters concerning the implementation of Article 5.

Table 1: Preliminary status of implementation of Article 5 of the Convention as reported in 2019 - Article 7 Transparency Reports (submitted up to 10 May)

		Cancelled	Reduced	Cleared	Total ¹	Suspected Hazardous Area	Confirmed Hazardous Area	Total ²
1	Afghanistan							
2	Angola	10,827,073	2,673,949	1,043,412	14,544,434			105,056,855
3	Argentina ³							
4	Bosnia & Herzegovina ⁴		5,030,000	920,000	5,950,000	1,018,000,000		1,018,000,000
5	Cambodia	22,644,386	6,469,355	36,661,760	65,775,501	890,437,236		890,437,236
6	Chad							
7	Chile			651,591	962,948 ⁵	3,289,185	1,162,466	4,451,651
8	Colombia	31,953	478,324	843,625	1,353,902	46,024,965		47,273,279 ⁶
9	Croatia ⁷							
10	Cyprus ⁸							
11	Democratic Republic of the Congo ⁹				422,461			741,559
12	Ecuador		20,790.29	14,068	34,858.29			80,238
13	Eritrea ¹⁰							
14	Ethiopia ¹¹			136,819,000	136,819,000 ¹²	1,050,045,013	6,304,538	1,056,349,551 ¹³
15	Iraq ¹⁴							
16	Niger							
17	Oman							
18	Peru							
19	Senegal							
20	Serbia							
21	Somalia							72,189,354
22	South Sudan							
23	Sri Lanka							
24	State of Palestine ¹⁵						354,992	354,992
25	Sudan	0	21,017	979,448	1,000,465	16,516,788	2,402,260	18,919,048
26	Tajikistan	255,971	34,634	593,213	883,818	7,907,210	4,191,000	12,098,210
27	Thailand	28,971,754	2,248,970	528,902	32,749,626			360,001,368
28	Turkey	4,672,000		2,083,470	6,845,470		157,327,098	157,327,098
29	Ukraine							
30	United Kingdom							5,557,380 ¹⁶
31	Yemen ¹⁷							
32	Zimbabwe				9,452,120	0	52,637,535	52,637,535

Table 2: Status of implementation of Maputo Action Plan (MAP) Actions #8-#11¹⁸

	State Party	Article 7 transparency report submitted in 2019 ¹⁹	Level of clarity ²⁰ on the remaining implementation challenge (Action #8)	Reported on the establishment and application of the most relevant land release standards, policies and methodologies (Action #9)	Reported on the provision of mine risk reduction and education programmes (Action #10)	Use of the Guide to Reporting in the preparation of Article 7 report submitted in 2018
1	Afghanistan		High degree of clarity	√	√	
2	Angola	√	Clarity		√	√
3	Argentina	√				
4	Bosnia & Herzegovina	√	Some Clarity	√	√	
5	Cambodia	√	Clarity	√	√	√
6	Chad		Some clarity		√	
7	Chile	√	High degree of clarity	√	√	√
8	Colombia	√	Clarity	√	√	
9	Croatia		Clarity	√	√	
10	Cyprus					
11	Democratic Republic of Congo	√	Clarity		√	√
12	Ecuador	√	High degree of clarity	√	√	√
13	Eritrea					
14	Ethiopia					
15	Iraq		Clarity	√	√	
16	Niger		Clarity	√	√	
17	Oman		Some clarity			
18	Peru		High degree of clarity	√		
19	Senegal		Some clarity	√		
20	Serbia		High degree of clarity	√	√	
21	Somalia	√	Some clarity		√	√
22	South Sudan		High degree of clarity	√	√	
23	Sri Lanka					
24	State of Palestine ²¹	√	Some clarity		√	
25	Sudan	√	Clarity	√	√	√
26	Tajikistan	√	High degree of clarity	√	√	√
27	Thailand	√	High degree of clarity	√	√	√
28	Turkey	√	High degree of clarity	√	√	√
29	Ukraine	√	Clarity		√	
30	United Kingdom	√	Some clarity	√		
31	Yemen	√				
32	Zimbabwe	√	High degree of clarity	√	√	√

¹ The total of this column is not the cumulative total of the columns concerning suspected and confirmed hazardous areas given that some States Parties have not presented information on areas released in a disaggregated manner.

² The total of this column is not the cumulative total of the columns concerning suspected and confirmed hazardous areas given that some States Parties have not presented information on the remaining challenge in a disaggregated manner.

³ In 2010, Argentina reported that the sole circumstance that impeded the ability of Argentina to destroy all anti-personnel mines in mined areas that it has reported to be under its jurisdiction or control was that Argentina had indicated that it did not have effective control over the areas in question.

⁴ Bosnia and Herzegovina reported progress and remaining challenge in square kilometres. These figures have been converted to square metres for the purpose of this table.

⁵ Includes 311,357 square metres of land addressed during, 'land release operations'.

⁶ Figures for Colombia are taken from its 2018 Article 7 Report and includes a total of 121 "dangerous areas" measuring 630,450 square meters and 116 "confirmed dangerous areas" measuring 617,657 square meters that were identified through survey activities.

⁷ Croatia did not submit an Article 7 report by 10 May 2019; figures are taken from Croatia's 2018 Article 7 Report. Croatia reported progress and remaining challenge in kilometres squared, these figures have been converted to metres squared for the purpose of this table.

⁸ Cyprus reported that the sole circumstance that impeded the ability of Cyprus, to destroy all anti-personnel mines in mined areas that it has reported to be under its jurisdiction or control was that Cyprus had indicated that it did not have effective control over the remaining areas in question.

⁹ The Democratic Republic of the Congo reported for the period 1 January 2018 – 31 March 2019

¹⁰ Eritrea did not submit an Article 7 report by 10 May 2019.

¹¹ Figures presented here are taken from Ethiopia's extension requested submitted to the Fourth Review Conference, 31 March 2019.

¹² Figures presented here are for the period, 1 June 2015 – 31 December 2018 as given in Ethiopia's extension request.

¹³ Figures presented here are for the period, 1 June 2015 – 31 December 2018 as given in Ethiopia's extension request.

¹⁴ Figures presented here are taken from Iraq's 2018 Article 7 Report.

¹⁵ These figures are based on the State of Palestine's initial transparency report submitted 28 November 2018.

¹⁶ These figures are based on additional information to the United Kingdom's Article 5 extension request submitted 6 August 2018.

¹⁷ On 28 March 2019 Yemen submitted a request for extension of its Article 5 implementation challenge for consideration by the Fourth Review Conference. Yemen indicated it is seeking a three (3) year extension of its Article 5 deadline, (1 March 2020 - 1 March 2023), to conduct a survey to determine as accurately as possible the extent and impact of the new AP mine contamination.

¹⁸ Source: information provided by States Parties in their Article 7 reports submitted until 10 May 2019, unless otherwise noted.

¹⁹ Source: Information provided by States Parties in their Article 7 reports submitted until 10 May 2019, unless otherwise noted. Article 7.2: The information provided in accordance with this Article shall be updated by the States Parties annually, covering the last calendar year, and reported to the Secretary General of the United Nations not later than 30 April of each year". Accordingly, in order to accommodate States Parties, Article 7 Transparency reports were accepted for the benefit of this report up until 10 May, 2019. States that submit later than 10 May, 2019 will be included in summary Status of implementation of Article 5 of the Convention, at the Fourth Review Conference, (4RC). The following States Provided Article 7 Reports; Angola, Argentina, Bosnia and Herzegovina, Cambodia, Chile, Colombia, the Democratic Republic of the Congo, Ecuador, Mozambique, Palestine, State of, Somalia, Sudan, Tajikistan, Thailand, Turkey, Ukraine, United Kingdom, Yemen, and Zimbabwe.

²⁰ In accordance with the methodology described in, II "Information provided by States Parties on Article 5 implementation".

²¹ These figures are based on the State of Palestine's initial transparency report submitted 28 November 2018.