

Analysis of the request submitted by the United Kingdom of Great Britain and Northern Ireland for an extension of the deadline for completing the destruction of anti-personnel mines in accordance with Article 5 of the Convention

**Submitted by the Committee on Article 5 Implementation
(Chile, Colombia, the Netherlands, Switzerland)**

20 September 2018

1. The United Kingdom of Great Britain and Northern Ireland ratified the Convention on 31 July 1998. The Convention entered into force for the United Kingdom on 1 March 1999. In its initial transparency report submitted on 26 August 1999, the United Kingdom reported areas under its jurisdiction or control containing, or suspected to contain, anti-personnel mines. The United Kingdom is obliged to destroy or ensure the destruction of all anti-personnel mines in mined areas under its jurisdiction or control by 1 March 2009. The United Kingdom, believing that it will be unable to do so by that date submitted on 31 May 2008 to the President of the Ninth Meeting of the States Parties (9MSP) a request for an extension of its deadline of ten years, until 1 March 2019. The 9MSP agreed unanimously to grant the request.
2. In granting the United Kingdom's request in 2008, the 9MSP noted that it is unfortunate that after almost ten years since entry into force a State Party is unable to specify how remaining work will be carried out and a timescale of the overall project. The Meeting also noted that the United Kingdom reaffirmed its commitment to clear or ensure the clearance of all anti-personnel mines in all mined areas under its jurisdiction or control as soon as possible.
3. On 29 March 2018, the United Kingdom submitted to the Chair of the Committee on Article 5 Implementation a request for extension of its 1 March 2019 deadline. On 4 June 2018, the Committee wrote to the United Kingdom to request additional clarification and information on the extension. On 6 August 2018, the United Kingdom submitted to the Committee additional clarification in response to the Committee's questions. The Committee noted with satisfaction that the United Kingdom had submitted its request in a timely manner and had engaged in a cooperative dialogue with the Committee. The United Kingdom's request is for 5 years, until 1 March 2024.
4. The request indicates that while the United Kingdom's initial request stated that the remaining challenge at the time amounted to 117 mined areas, following the initiation of clearance activities this number has been revised to 122 mined areas measuring 13.15 square kilometres. The request indicates that this discrepancy is due to the fact that the Feasibility Study which identified 117 mined areas combined two separate numbers mined areas together in a few instances.
5. The request indicates that during the extension period the United Kingdom addressed a total of 85 mined areas releasing 11,847,090 square metres in five phases, destroying in the process 8,256 anti-personnel mines, 1,169 anti-vehicle mines, 22 cluster munitions and 166 items of unexploded ordnance. The Committee noted the importance of the United Kingdom reporting on its progress in a manner consistent with International Mine Action Standards (IMAS), disaggregating by area cancelled through non-technical survey, reduced through technical survey and addressed through clearance.
6. The request indicates the following, which, in the United Kingdom's view, acted as impeding circumstances during its first extension period: (a) the environment on the Falkland Islands

including adverse weather conditions, which enforce an annual three month stand down in the winter months because of the risks to safety, quality and productivity; (b) the inaccessibility of the Falkland Island which limits the capacity to support an expanded workforce that would increase the rate of work (e.g. limited accommodation, equipment hired locally, medical resources); (c) environmental consequences; (d) financial climate of the last decade.

7. The request indicates 35 mined areas remained to be addressed with 27 mined areas measuring 997,930 square metres and 8 mined areas estimated to measure 163,460 square meters but pending technical survey. The request indicates that in addition to the mined areas, two areas (Don Carlos Bay and Beatrice Cove), which are located in an area that has been out of bounds to all persons on the Island since 1982, and which are not included within the 122 mined areas, will be verified as a precaution. The request also indicates that an additional area (BAC 1) is an old building behind but close to the Murrell Peninsula fence which is rumoured to be booby-trapped and will be checked and if necessary cleared. The request further indicates that one task (BAC2) is a former anti-aircraft missile position, which will also be checked. The request further that there is one area (M002) in which one anti-personnel mine could not be found and that this area remains behind fences and will be subjected to technical survey to confirm that nothing remains.
8. The Committee wrote to the United Kingdom regarding area 'BAC 1' which is 'rumoured' to be booby-trapped requesting additional information on what type of booby-trap is expected to be found and if there are other places on the island in which booby-traps are suspected to be emplaced. The United Kingdom responded by stating that, based on anecdotal evidence, there is some concern that there may be booby-traps in the area of BAC 1. Therefore, the United Kingdom is acting in line with its application of 'all reasonable effort' in the clearance of the Falkland Islands. There is no indication of what types of booby-traps may be present (if at all).
9. The request indicates that the socio-economic impact of landmines on the population is negligible and that the contaminated areas represent a very small part of the total land area. It also indicates that it is the general view of the farmers that the remaining landmines are an "inconvenience" but have a minimal impact on their livelihood and that there is no impact on fishing rights or oil exploration. According to the request, there have been no civilian casualties due to landmines or any other explosive remnants of war and clearance has had a positive social impact with the clearance of popular recreational areas. The request further indicates that there was a request for the clearance of a mined areas laid alongside the main road due to the concern that a vehicle may skid off the road into one of the minefields and that this area was addressed in 2016. The Committee noted that, although the socio-economic impact is deemed as negligible, the completion of Article 5 implementation during the requested extension period had the potential of making a contribution to improving human safety and socio-economic conditions.
10. As noted the United Kingdom's request is for 5 years, until 1 March 2024, the rationale for this being that additional funding and tender processes for Yorke Bay may take up to two years beyond the existing 1 March 2019 deadline. The request indicates that while it is possible that work can be completed in a single further year, it cannot be certain at this stage. Rather than requesting a three year extension which may prove insufficient, and thus necessitating a further extension request, the United Kingdom requests a five year extension.
11. The request indicates that Phase 5b (1 April 2018 – 31 March 2020) will be carried out in clusters; Cluster 2 addressing 19 tasks with an estimated 390,680 square metres to be released by May 2019, Cluster 3 addressing 2 tasks with an estimated 2,570 square metres to be released by November 2019, Cluster 4 addressing 9 tasks with technical survey to be released and clearance expected to take place after the completion of Phase 5b. Cluster 5 addressing 10 tasks with an estimated 604,680 square metres to be released, expected completion March 2020.

12. The request indicates that operations carried out meet or exceed IMAS adapted to meet the specifics of the situation found on the Falkland Island. The request indicates that techniques have been developed to address the specific situation of the mined areas and that given that these mines were employed 35 years ago at times markings made when the mines were laid, as shown in Argentine minefield record, have proven difficult to find. The request specifically makes mention of the “missing mine drill” which is employed when a mine is not located where it should be which includes the careful search for the mine at the expected location and to a depth below which the mine cannot reasonably be present.
13. The Committee wrote to the United Kingdom to ask on how many occasions the “missing mine drill” (MMD) has had to be employed and the result of these efforts. The United Kingdom responded by indicating that during Phase 5a there were 350 MMDs conducted and as of 6 June 2018 there have been 79 MMDs in Phase 5b. The United Kingdom further indicated that the MMD is a near-forensic analysis of the location where a mine was expected, therefore there is a very high level of confidence that no mines remain.
14. The request indicates that in the case of the mined areas in Yorke Bay (Cluster 4) operations will be carried out in two parts including technical survey of all the mined areas, which will allow a realistic costing for clearance to be made followed by the clearance of the remaining eight mined areas. The request indicates that a volumetric analysis of the area has been carried out in particular on the sand dunes so when the survey results arrive showing the true location of the mined areas, a calculation can be made of the volume of sand to be removed. The request indicates that the depth of excavation to reach mined areas during technical survey could be considerable. The request further indicates that the result of the technical survey will only be available at the end of 2018 or early 2019.
15. The request indicates that the UK Government has committed to spend over £27,000,000 to address Phase 5 (2016-2020) and that following these efforts 8 mined areas will be remaining. The request also indicate that the costs for completion of the remaining areas will only be known following technical survey work to be completed under Phase 5 and that once an accurate estimate is acquired, the Foreign & Commonwealth Office and the Ministry of Defence will bid for funding to complete the work. The request indicates that with funding allocated for all other mined areas the main assumption and risk lies with the clearance at Yorke Bay. The request indicates that two main risks may prevent the United Kingdom from finalizing its operations prior to 2024: a) that there may not be enough time to complete clearance by the end of Phase 5 (31 March 2020) and b) that there are not sufficient, pre-allocated funds available to complete clearance and new funding cannot be requested until the costs are known, which could lead to a situation requiring demobilisation, and remobilization, or retendering after Phase 5. The request indicates that the United Kingdom would provide updated information on progress and next steps at further Meetings of the States Parties.
16. The Committee wrote to the United Kingdom to request if, given that the Land Release Contractor has been in operation for some time now, it would be possible to extract an estimated figure to ensure that funding is made available to avoid unnecessary delays in implementation. The United Kingdom responded by indicating that during 2017-2018, the Land Release Contractor, Deming Project Office and Strategic Advisor conducted extensive research and planning with the aim of establishing such an estimated figure but that the variables at Yorke Bay are so extreme that it was not possible to give an accurate estimate until after Technical Survey. The United Kingdom further indicated that it is planning ahead as far as possible in order to act swiftly following the receipt of the Technical Survey information. The Committee noted that given clarity concerning the remaining challenge at Yorke Bay is pending technical survey

and given that the United Kingdom is committed to acting swiftly following the receipt of the Technical Survey information, the United Kingdom may find itself in a situation wherein it could proceed with implementation faster than that suggested by the amount of time requested.

17. The Committee noted that the request includes other relevant information that may be of use to the States Parties in assessing and considering the request, including further risk factors and assumptions to the work plan, greater background on the task at Yorke Bay, detail on the environment, as well as annexed tables relating to land addressed during first extension period, and remaining challenges.
18. The Committee noted that given that technical survey of Yorke Bay will be completed by the end of 2018 or early 2019 and the uncertainty concerning the availability of funding, the Convention would benefit from the United Kingdom submitting to the Committee by 30 April 2020 and 30 April 2022 updated detailed work plans for the remaining period covered by the extension. The Committee noted that these work plans should contain an updated list of all areas known or suspected to contain anti-personnel mines, annual projections of which areas and what area would be dealt with during the remaining period disaggregated in a manner consistent with the IMAS.
19. The Committee noted with satisfaction that the information provided in the request and subsequently in responses to the Committee's questions is comprehensive, complete and clear. The Committee further noted that the plan presented by the United Kingdom is workable, lends itself well to be monitored, and states clearly which factors could affect the pace of implementation. The Committee also noted that the plan is based on continued implementation of land release and contingent upon stable allocation of funding from the United Kingdom's State budget. In this regard, and noting the United Kingdom's commitment to keep the States Parties informed of progress, the Committee noted that the Convention would benefit from the United Kingdom reporting annually to the States Parties on the following:
 - (a) Progress on land release activities relative to the commitments given in the United Kingdom's work plan, disaggregated in a manner consistent with the IMAS, including the results of the technical survey of Yorke Bay and its effect on the work plan;
 - (b) Updates regarding resource mobilisation efforts to ensure continual support of implementation efforts and avoid delays in implementation.
20. The Committee noted the importance, in addition to the United Kingdom reporting to the States Parties as noted above, of keeping the States Parties regularly apprised of other pertinent developments regarding the implementation of Article 5 during the period covered by the request and other commitments made in the request at intersessional meetings, Meeting of the States Parties and Review Conferences as well as through its Article 7 reports using the Guide to Reporting.