

Analysis of the request submitted by Niger 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 the Implementation of Article 5
(Costa Rica, Ecuador, Ireland and Zambia)**

1. The Convention entered into force for Niger on 1 September 1999. In its initial transparency report submitted on 12 September 2002, Niger reported areas under its jurisdiction or control suspected to contain anti-personnel mines and was therefore obliged to address these areas by 1 September 2009. On 5 June 2008, at the meeting of the Standing Committee on Mine Clearance, Niger declared that on the basis of additional information collected, it was able to confirm that the presence of anti-personnel mines was no longer suspected.
2. In June 2011, after the expiry of Niger's original Article 5 deadline, Niger discovered one area under its jurisdiction or control that was known to contain anti-personnel mines and five areas that were suspected to contain anti-personnel mines. Niger reported the discovery of these areas in its transparency report submitted on 15 November 2012. Niger believing that it would be unable to destroy all anti-personnel mines in mined areas before the next Meeting of the States Parties submitted, on 1 July 2013, to the President of the Twelfth Meeting of the States Parties (12MSP), a request for an extended deadline in accordance with the process adopted by the States Parties concerning the discovery of previously unknown mined areas after deadlines have passed made by the States Parties at the 12MSP. Niger's request was until 31 December 2015. The Thirteenth Meeting of the States Parties (13MSP) agreed unanimously to grant the request.
3. In granting Niger's request in 2013, the 13MSP noted that Niger demonstrated its commitment to adhere to the obligations enshrined in Article 5 of the Convention and the decisions of the 12MSP relating to the discovery of previously unknown mined areas. The 13MSP further noted the length of time between the discovery of the mined areas and the start of demining work and noted that Niger may find itself in a situation wherein it could proceed with implementation faster than suggested by the amount of time requested. The 13MSP requested that Niger inform the States Parties, by mid-2014, of (a) the circumstances that led to anti-personnel mines being used in Niger, (b) the methods used to identify the area known and areas suspected to contain anti-personnel mines taking into account the United Nations' International Mine Action Standards' emphasis on a basis of evidence for defining "suspected hazardous areas", and (c) the humanitarian, social, economic, and environmental implications. The 13MSP further requested Niger to report annually to the States Parties, beginning in mid-2014, on the following:
 - i. Progress made relative to the activities listed in its 2014-2015 work plan;
 - ii. The outcomes of survey efforts and how additional clarity obtained may change Niger's understanding of the remaining implementation challenge;
 - iii. Changes in the security situation and how these changes positively or negatively affect implementation; and
 - iv. External financing received and resources made available by the Government of Niger to support implementation.
4. On 12 November 2015, Niger submitted to the Chair of the Committee on Article 5 Implementation a request for an extension of its 31 December 2015 deadline indicating that it would be unable to destroy all anti-personnel mines in mined areas by its deadline due to the extent of the remaining contamination and highlighted the lack of support from partners. Niger submitted a request for five years, until 31 December 2020. The Fourteenth Meeting of the States Parties (14MSP) expressed regrets that the late submission of Niger's request did not permit the

Committee on Article 5 Implementation to carry out its mandate to analyse the request. In this context, the 14MSP agreed to grant Niger a one year extension until 31 December 2016. In addition, the 14MSP requested that Niger submit a request, in accordance with the established process, by 31 March 2016 in order for Niger and the States Parties to benefit from a cooperative exchange on the request.

5. In granting Niger's request in 2015, the 14MSP noted that while Niger had made great efforts to comply with the commitments it had made in 2013 to garner an understanding of the true remaining extent of the challenge and to report annually on progress, the request did not contain a detailed annual work plan for clearance leading to completion with benchmarks for progress. In this regard, the 14MSP noted that it would be beneficial if Niger submitted in its 31 March 2016 request an updated work plan containing an updated list of all areas known or suspected to contain anti-personnel mines and annual projections of which areas would be dealt with each year during the period of the extension. The 14MSP further noted that the Convention would benefit from Niger providing information on (i) the number, location and size of the remaining mined areas, plans to clear or otherwise release these areas, (ii) areas already released disaggregated by method of release, clearance, technical survey and non-technical survey, (iii) external financing received and resources made available by the Government of Niger to support implementation, (iv) changes in the security situation and how these changes positively or negatively affect implementation.
6. On 15 April 2016, Niger submitted to the Chair of the Committee on Article 5 Implementation a request for an extension of its 31 December 2016 deadline. The Committee on Article 5 Implementation (hereafter referred to as "the Committee") noted that through the submission of its request in 2016, Niger demonstrated commitment to adhere to the decisions of the 7MSP relating to the process of submitting Article 5 extension requests and to the decision of the 14MSP requesting Niger to submit an extension request in 2016. On 13 June 2016, the Chair of the Committee on Article 5 Implementation wrote to Niger to request additional information. No additional information was provided by Niger in response to the Chair's questions. Niger's request is for four years until 31 December 2020.
7. The request indicates, as did the previous requests, that following changes in the security situation after the conflict in the north of the country and the Libyan crisis, Niger requested the conduct of an assessment mission in 2011 which uncovered the presence of a minefield in the northern part of the Agadez region, in the department of Bilma, on the military post of Madama. The request further indicates that originally the identified minefield totalled an estimated 2,400 square metres. The request also indicates that further to the 2011 assessment mission, Niger identified five other areas of an unknown total area and where the presence of anti-personnel mines was suspected, also located in the Agadez region and in the department of Bilma.
8. The request indicates that during the conduct of non-technical and technical surveys in the Madama area in May 2014, the estimated size of the original area was revised up to 39,304 square metres and an additional area containing anti-personnel and anti-tank mines of an estimated size of 196,253 square metres was discovered. The request further indicates that the two areas in question are perimeter-marked and monitored by a military surveillance post. The request further indicates that the surveys conducted in May 2014 removed the suspicion of the presence of anti-personnel mines in the five areas previously reported as suspected to contain anti-personnel mines. The Committee noted that the request did not contain information on the methodologies employed in removing the suspicion of anti-personnel mines and noted the importance of Niger providing this information. In addition, the Committee noted the value of Niger indicating what criteria are contained in its national mine action standards for making such determination.

9. The request indicates that in preparation of the work remaining to be carried out, Niger has taken the following measures: (a) development of national standards in line with IMAS, (b) training and refresher training for deminers, (c) training and deployment of eight community liaison agents to raise awareness in the Kavar region, and (d) procurement of additional technical equipment for demining. Given the role of National Mine Action Standards (NMAS) in ensuring the efficiency and effectiveness of operations and the importance of the IMAS as a basis for the development of NMAS, the Committee noted the value of Niger providing additional information on the development of its national standards.
10. The request indicates that since November 2014, 60 deminers have been deployed to clear the Madama area and that of the 39,304 square metres, 17,000 square metres have been cleared with 750 mines found and destroyed. The request also indicates that more than 39,304 square metres have been cleared and that 1,075 anti-personnel mines have been destroyed. The request also indicates that 93,042 square metres have been cleared. The Committee noted the discrepancies in the amount of area reported cleared by Niger and in the number of anti-personnel mines destroyed. In information provided to the Committee as a clarification, Niger indicated that as of today, Niger cleared 39,304 square metres and destroyed 1,075 mines.
11. The Committee noted that the request, as did the previous requests, contains no information on the humanitarian, social, economic, and environmental implications of the request.
12. The request contains a four-year work plan for the period 2016-2020. The work plan outlines activities to clear the minefields located in the Madama military post. The work plan also includes mine awareness raising activities to strengthen the capacity of the National Commission for the Collection and Control of Illicit Weapons. While the preparation for the demining work, procurement of demining equipment, and the training of 50 deminers would take place in 2016, the actual demining work would be taking place during 2016-2020. The Committee noted that the request contained no information on the impact of the proposed acquisition of additional equipment on the work carried out by the demining teams.
13. While noting the importance of the assessment of progress in the implementation of Article 5, the Committee noted the lack of annual benchmarks in the work plan presented by Niger in its request. The Committee noted that the work plan would benefit from containing monthly and/or annual benchmarks for demining activities specifying which areas or how much of the two areas remaining to be addressed will be dealt with each year/month of the proposed extension and more details on responsibilities for carrying these activities. The Committee further noted that the work plan could be complemented by including a list of all areas known and suspected to contain anti-personnel mines and projections of which areas and what quantity of area would be addressed when and by whom.
14. The request indicated the following as risks that may affect the implementation of the plan: (a) geography and climate with areas located in a difficult desert environment due to the intense heat and shifting sand, (b) funding of the work plan, and (c) insecurity due to terrorist threats within Niger and at borders between Niger and other countries. The request further indicates that Niger set up a reinforced security team for deminers and that it is seeking cooperation from the local population. The Committee noted that that it would be of value if Niger provided a more detailed assessment of the security situation and potential future risks as it would assist Niger in addressing its remaining implementation challenge and making more accurate projections for its work plan. In this regard, the Committee noted that it would be of benefit to Niger and all States Parties if Niger provided information on changes in the security situation and on how these

changes positively or negatively affect implementation at intersessional meetings, Meetings of the States Parties and Review Conferences.

15. The request indicates that the total budget for the work plan is US\$3,201,875, including US\$1,280,750 for 2016-2017 and US\$1,921,125 for 2018-2020. The request also indicates that Niger will contribute to 50 percent of the cost of the work plan through financial and in-kind contributions, with its proposed financial contribution amounting to US\$ 1,000,000 and its in-kind contribution comprising (a) the provision of demining teams and their expertise, (b) security for demining teams, (c) support vehicles and (d) logistical support. The request also indicates that Niger expects potential funding from the UNDP, the European Union and UNICEF. The request indicates that US\$2,201,875 remain to be mobilised from bilateral and multilateral partners. The request further indicates that Niger needs personal protection equipment and detection equipment. The request also indicates that without the support of partners, Niger cannot guarantee the clearance of Madama. The Committee noted that it is positive that Niger will contribute to the financing of its work plan and that demonstrating national ownership in this manner could help facilitate resource mobilisation efforts. However, the Committee noted that the request contains no information on past or future efforts to mobilise the necessary financial resources to implement the work plan.
16. The Committee noted that the request indicates that the slow pace of operations and the lack of support from partners are impeding Niger from achieving compliance. The Committee noted the value of Niger engaging in a dialogue with potential partners and of requesting technical assistance.
17. The Committee noted that if Niger developed monthly and yearly benchmarks for progress, it would assist Niger and all States Parties in assessing progress and what remains to be done in implementation during the extension period and in turn this would help mobilise financial and technical resources. The Committee further noted that, as a result, Niger may find itself in a situation where it could proceed with implementation faster than the amount of time requested.
18. In this regard, the Committee further noted that it would be of benefit to Niger and the Convention as a whole if Niger provided updates relative to these benchmarks at intersessional meetings, Meetings of the States Parties and Review Conferences. The Committee also noted the importance of Niger keeping the States Parties regularly apprised of Niger's national financial and in-kind contribution to implementation, efforts to mobilise external resources and obtaining external technical assistance and the results of these efforts.
19. The Committee noted that the Convention would benefit from Niger providing by 30 April 2017 a revised work plan containing monthly and annual benchmarks specifying which areas and how much area will be addressed when and by whom. The Committee further noted that the Convention would benefit from Niger reporting annually to the States Parties on the following:
 - a. Progress made relative to the activities listed in its 2016-2020 work plan;
 - b. Changes in the security situation and how these changes positively or negatively affect implementation, and;
 - c. External financing and technical assistance received as well as resources made available by the Government of Niger to support implementation.

20. Further to providing updates relative to these benchmarks at intersessional meetings, Meetings of the States Parties and Review Conferences the Committee noted the importance of Niger providing updated information on an annual basis within its Article 7 transparency report. The Committee further indicated that the Guide to Reporting adopted at the Fourteenth Meeting of the States Parties may support Niger in reporting on progress in implementing the plan within its request.