

Analysis of the request submitted by Bosnia and Herzegovina 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)**

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1. Bosnia and Herzegovina ratified the Convention on 8 September 1998 and the Convention entered into force for Bosnia and Herzegovina on 1 March 1999. In its initial transparency report submitted on 1 February 2000, Bosnia and Herzegovina reported areas under its jurisdiction or control containing, or suspected to contain, anti-personnel mines. Bosnia and Herzegovina was obliged to destroy or ensure the destruction of all anti-personnel mines under its jurisdiction or control by 1 March 2009. Bosnia and Herzegovina, believing that it would be unable to do so by that date, submitted a request to the 2008 Ninth Meeting of the States Parties (9MSP) for a ten year extension of its deadline, until 1 March 2019. The 9MSP agreed unanimously to grant the request.
2. In granting Bosnia and Herzegovina's request in 2008, the 9MSP noted that even with a consistent and sizeable effort having been undertaken by Bosnia and Herzegovina going back even before entry into force of the Convention, Bosnia and Herzegovina faces a significant remaining challenge in order to fulfil its obligations under Article 5. The Meeting further noted that, while the plan presented in Bosnia and Herzegovina's request is workable and ambitious, its success is contingent upon increased performance in technical survey, an ongoing, although decreasing, high level of donor funding and the provision of and thereafter constant increase of funds by local governments. In addition, the Meeting noted the importance of clarity regarding which areas of what size and at what locations remain to be addressed in each administrative area.
3. On 25 April 2018, Bosnia and Herzegovina 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 Bosnia and Herzegovina to request additional clarification and information on the extension. On 7 September 2018, Bosnia and Herzegovina submitted to the Committee on Article 5 Implementation a revised request for extension incorporating additional information provided in response to the Committee's questions. Bosnia and Herzegovina's request is for an additional 2 years, until 1 March 2021.
4. The request indicates that while the remaining contamination at the start of the extension period (1 March 2009) should have been 1,573,000,000 square meters, in accordance with the original request, due to the fact that Bosnia and Herzegovina was not able to fully implement the 2008 Operational Plan for Humanitarian Demining the remaining contamination at the beginning of the implementation period totalled 19,075 mined areas measuring 1,688,000,000 square meters.
5. The request indicates that over the course of the initial extension period a total of 3,685 mined areas measuring 607,825,829 square meters was addressed including 514,325,299 square meters cancelled through non-technical survey, 77,800,000 square meters reduced through technical survey and 15,690,000 square meters cleared destroying in the process 14,385 anti-personnel mines, 1,181 anti-tank mines and 15,105 items of unexploded ordnance, including cluster munitions. The Committee noted the importance of Bosnia and Herzegovina continuing to report 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 that from 2013-2016 the Bosnia and Herzegovina Mine Action Centre (BHMIC) carried out a "Land Release" project with the support of the European Union (EU) with the project promoting the full employment of land release in an area measuring 42,788,962 square meters resulting in the cancellation of 34,638,322 square meters through non-technical survey, reduction of 3,586,153 square meters through technical survey and the clearance of 242,432 square meters. The request indicates that this process enabled efficient tasking in technical survey ensuring that clearance assets were directed onto Confirmed Hazardous Areas (CHA) only. The request further indicates that within the stated project, the BHMIC created three chapters in their national mine action standards on land release, non-technical survey and technical survey with these chapters drafted in accordance with IMAS and adopted in January 2016.
7. The request indicates that the BHMIC commenced the revision of all the mine action standards and Standard Operating Procedures (SOP) and that by March 2018 two chapters on non-technical survey and for the opening and follow-up of tasks were adopted. The request indicates that BHMIC has been working together with all its partners in developing a land release concept which will lead to addressing the remaining challenge in a more efficient manner. The Committee noted the importance of Bosnia and Herzegovina ensuring as soon as possible that the most relevant land-release standards, policies and methodologies, in line with IMAS, are in place and applied for the full and expedient implementation of this aspect of the Convention in line with Action 9 of the Maputo Action Plan. The Committee further noted the importance of Bosnia and Herzegovina carrying out these efforts in an open and transparent manner with its partners.
8. The request indicates the following, which in Bosnia and Herzegovina's view, acted as impeding circumstances during its initial extension request: (a) Lack of financial means with Bosnia and Herzegovina having been unable to pass the new Law on Mine Action which would have seen increased financial contributions budgeted by the State; (b) the size of the mine action problem; (c) the lack of and low quality of minefield records which do not allow for the accurate identification of the precise location and perimeters of mined areas; (d) climatic conditions with the demining seasons lasting from mid-March to the beginning of December.
9. The request indicates that the remaining challenge includes 8,050 suspected hazardous areas (SHA) measuring 1,033,406,204 square meters and 917 CHAs measuring 23,113,938 square meters located in 12 municipalities. The Committee noted that there was a lack of clarity concerning how Bosnia and Herzegovina arrived at a remaining challenge of 8,967 mined areas remaining given that over the course of the initial extension period only 3,685 mined areas of the 19,075 mined areas remaining in 2009 were addressed.
10. The request indicates that remaining contamination continues to have a humanitarian and socio-economic impact with a total of 128 victims registered over the course of 2009-2017 with 94% being male and 6% female (87% adults and 13% children). The request indicates that most accidents have occurred as a result of agricultural, firewood collection and raw material collecting activities. The request also indicates that accidents with fatal outcomes were the consequence of activation of PROM-1 mines. The Committee noted that Bosnia and Herzegovina had provided in its request data on mine victims disaggregated by age and sex in keeping with commitments of the States Parties. The Committee noted that Article 5 implementation during the requested extension period had the potential of making a significant contribution to improving human safety and socio-economic conditions in Bosnia and Herzegovina.

11. As noted, Bosnia and Herzegovina's request is for 2 years (until 1 March 2021) to carry out non-technical and technical survey activities to better define the precise perimeter of mined areas as well as to continue clearance operations. The request indicates that following the definition of the remaining challenge, Bosnia and Herzegovina will be in a better position to provide information on the remaining challenge and the amount of time required to implement Article 5 and submit a final request for extension by 31 March 2020. The Committee expressed concern over the fact that Bosnia and Herzegovina, almost 20 years after the entry into force of the Convention, did not have a clear picture of the remaining challenge. The Committee noted that it is positive that Bosnia and Herzegovina is requesting only the period of time necessary to gather and assess data on landmine contamination and other relevant information with a view to develop a meaningful forward looking plan based on this information and then submitting a third request containing plans based on a clearer understanding of the extent of the challenge and which project with greater certainty the amount of time that will be required to complete Article 5 implementation.
12. The request indicates that Bosnia and Herzegovina has developed, with the support of the Geneva International Centre for Humanitarian Demining (GICHD), a National Mine Action Strategy 2018-2025 which contains the following 5 strategic goals covering information quality management procedures; increasing visibility and national ownership; clarifying and addressing the remaining challenge; reducing casualties through MRE and ensuring the participation of victims on an equal basis with others. The request indicates that after it is confirmed by the Demining Commission in Bosnia and Herzegovina, the Strategy will be forwarded to Ministry of Civil Affairs and Council of Ministers for approval.
13. The Committee wrote to Bosnia and Herzegovina to request information on clear timeline of when the strategy will be approved and information concerning the content of the strategy. Bosnia and Herzegovina provided information on the content of the strategy in its updated request but did not provide a clear timeline for the approval of the strategy. The Committee, recognizing the important role that the strategy plays in the extension request, noted the importance of Bosnia and Herzegovina adopting this strategy without further delay.
14. The request indicates that in 2016, activities commenced on the Amendment Act to the Demining Law in Bosnia and Herzegovina with the establishment of a working group representative of the Ministry of Civil Affairs, the Demining Commission, BHMIC, the armed forces, and the civil protection units of the two entities and that this law and additional documents were forwarded via Ministry of Civil Affairs to the Parliamentary Assembly for regular adoption procedures. The Committee wrote to Bosnia and Herzegovina to request information on additional information on the status of the law, the amendments that will be passed and their importance as well as the problems and challenges with passing the law. Bosnia and Herzegovina provided details on the status of the law but did not include in the updated request information on the problem and challenges with passing the law.
15. The request indicates that the outline of the plan and milestones presented in the request is based on the results of the "Land Release" project and on the assumption that sufficient financial resources will be mobilized during the requested period. During the extension period there will be a transition of working methodologies throughout Bosnia and Herzegovina with land release being intensively conducted through the application of new standards and SOPs to improve efficiency and cost-effectiveness of mine action in Bosnia and Herzegovina. The request further indicates that based on the results of the "Land Release" project it is expected that mine clearance capacities will have to be deployed in a relatively small area.

16. The request indicates that during the extension period a number of activities will be carried out including a “Country Assessment”, a “Mine Action Governance and Management” project and “annual land release operations”. The “Country Assessment”, to be carried out in partnership between the BHMIC, the Armed Forces of Bosnia and Herzegovina, and Norwegian People’s Aid, will aim to set a new baseline for realistic planning and the implementation of the Mine Action Strategy 2018-2025. This will be achieved by establishing Mine Suspected Areas (MSA) defined as geographical areas which will bring together a number of areas into one “area of operation” to be subjected to the land release process. The request indicates that this approach will allow for a better response to the needs of the community through strengthening community liaison and ensuring that the needs of the community are prioritized and addressed. The request further indicates that this will simplify tasking procedures by assigning specific organizations a larger geographical area in which to carry out operations. The request further indicates that this project will be carried out by 14 Non-Technical Survey Teams: 9 teams from the BHMIC, 2 teams from the Armed Forces of Bosnia and Herzegovina and 3 teams from Norwegian People’s Aid (NPA) with preparatory activities for the implementation of the “Country Assessment” project will be completed by July 2018 and the training of operational staff to take place beginning in September 2018. The request further indicates that the result of this project is the creation of approximately 500 MSAs for further operations and the cancellation of approximately 30,000,000 square meters.
17. The request indicates that the “Mine Action Governance and Management Project” will be carried out with the support of the UNDP and will aim to create a new web orientated database to replace the existing system and increase accessibility and transparency of mine action data and improve planning capabilities to accelerate compliance with the Anti-Personnel Mine Ban Convention. This project also aims to strengthen the institutions, policies, systems and by-laws to contribute to efficient release of previously mine suspected areas back to communities and will benefit the poor and excluded communities that currently live near landmine affected areas. The project will be anchored in the Board of Donors providing the forum with well-coordinated plans, timely and accurate reports and advice on strategic and operational development in the mine action arena in Bosnia and Herzegovina. The project also aims to establish a strong partnership with international partners including the GICHD, the Anti-Personnel Mine Ban Convention’s Implementation Support Unit and office holders, Demining Battalion of the Armed Forces of Bosnia and Herzegovina, civil protection and national mine action authorities. The Committee noted the importance of Bosnia and Herzegovina continuing to ensure that coordination mechanism with partners and approval procedures within the government are effective and efficient in order to support the implementation of the programme.
18. The request indicates that with the support of the GICHD, the BHMIC conducted an assessment of information management, in particular how BHMIC collects, stores, analyses and updates all necessary information concerning mine action. The request further indicates that BHMIC is currently in the phase of defining its organizational structure which supports integration of information management within and between the organizational units. The Committee noted the importance of these efforts given that the States Parties have recognised that dialogue informed by accurate and high quality information can support cooperation and assistance and accelerate the Convention’s implementation.
19. The request indicates that ongoing annual land release operations will continue in line with the annual priorities presented by municipal authorities and dependent on the financing available for implementation. As per the National Demining Law, these plans are developed on an annual basis. The request indicates that it is expected that through these operations at total of 237,000,000 square meters (126,000,000 square meters in 2018 and 111,000,000 square meters in 2019) including 179,000,000 square meters cancelled (82,000,000 square meters in 2018 and 97,000,000 square meters in 2019) through non-technical survey, 30,000,000 reduced through

technical survey (30,000,000 square meters in 2018) and 2,000,000 square meters cleared (1,000,000 square meters in 2018 and 1,000,000 square meters in 2019). The request further indicates that the timetable for areas of survey and clearance operations has been established at administrative levels in Bosnia and Herzegovina and prioritized based on the impact of the mined areas on the population. The request further indicates that the BHMIC will prepare through non-technical survey a total of approximately 120 MSAs measuring approximately 263,200,000 square meters and that parallel to these activities marking of SHAs with 18,000 emergency mark signs will take place.

20. Since Bosnia and Herzegovina indicates that it cancelled more than 90% of its contamination during the "Land Release" project and that it has developed national mine action standards, the Committee noted that Bosnia and Herzegovina may find itself in a situation where it may be in a position to complete implementation of Article 5 in the near future. The Committee added that doing so could benefit both the Convention and Bosnia and Herzegovina itself given its indication of the socio-economic benefits that will flow from demining.
21. The request indicates that activities to be undertaken during the extension period will cost a total of BAM 79,260,000 (BAM 40,510,000 in 2019 and BAM 38,750,000 in 2020). The request indicates that the Government of Bosnia and Herzegovina will finance 50% of the total (BAM 39,630,000) and would require 50% from donors (BAM 39,630,000). The request indicates that the national fund will cover non-technical survey activities by the BHMIC and technical and mine clearance activities of the Armed Forces of Bosnia and Herzegovina. The request also indicates that entity governments will provide the funding for technical survey and mine clearance operations for entity civil protection units and that other resources will come from the budget of Brcko Districts, cantons, municipalities as well as public and private companies. The request further indicated that additional funding is expected from traditional donor countries via the ITF, NPA and EU in BiH and other institutions and organizations. The request further indicates that the "Country Assessment" and "Mine Action Governance and Management" project will be funded by the EU in BiH.
22. 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 detail on national demining structure, the creation of MSAs, information on prioritization, risks and assumptions on the work plan, together with annexes with details of the remaining challenge, priority task for 2018, amongst other.
23. The Committee noted that Bosnia and Herzegovina had not complied with the commitment it had made, as recorded in the decisions of the Ninth Meeting of the States Parties, to garner clarity regarding which areas of what size and at what locations remain to be addressed in each administrative area. The Committee noted that Bosnia and Herzegovina had indicated that it was impeded from fulfilling commitments it had made in its original extension request by not having passed a new Law on Mine action which would see financial contributions budgeted by the State and would have provided the stable and continuous financing necessary for humanitarian demining operations. The Committee noted that, while Bosnia and Herzegovina has made it clear that it would provide 50% of the finances necessary to fully implement the plan contained within its request, Bosnia and Herzegovina could inspire greater confidence on the part of those in a position to provide assistance by increasing national ownership and enhancing its humanitarian demining efforts.
24. The Committee further noted that while it is unfortunate that almost twenty years since entry into force a State Party is unable to specify how much work remains, it is positive that Bosnia and Herzegovina intends to reinvigorate efforts 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. The Committee noted that by requesting a two year extension, Bosnia and Herzegovina was projecting that it would need approximately two and a half years from the date of submission of its request to obtain clarity regarding the remaining challenge, produce a detailed plan and submit a third and final extension request.

25. 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 Bosnia and Herzegovina 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 allocations from State budgets and contingent upon stable international funding. In this regard, the Committee noted that the Convention would benefit from Bosnia and Herzegovina reporting annually to the States Parties on the following:

(a) Progress of developing relevant land release standards, policies and methodologies, in line with IMAS, for the full and expedient implementation of the Convention during the extension request period and their impact on annual targets as given in Bosnia and Herzegovina's work plan;

(b) Progress of land release activities relative to the commitments given in Bosnia and Herzegovina's annual work plan, disaggregated in a manner consistent with the International Mine Action Standards;

(c) Progress in implementation of the "Country Assessment" and "Mine Action Governance and Management" projects and the results of these efforts.

(d) Updates regarding national resource mobilisation efforts, including efforts in approaching potential donors and efforts in raising awareness of the lack of funding with state authorities, public enterprises and local authorities to fund clearance operations. And the result of these efforts.

26. The Committee noted the importance, in addition to Bosnia and Herzegovina 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.