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29 March 2018

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H.E. Sabrina Dallafior  
Ambassador, Permanent Representative of Switzerland to the Conference on Disarmament  
Chair of the Committee on Article 5 Implementation  
Anti-Personnel Mine Ban Convention

c/o the Implementation Support Unit.

*Dear Ambassador,*

As provided for under Article 5(6) of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, the United Kingdom of Great Britain and Northern Ireland submits a request for an extension of the deadline for completing the destruction of anti-personnel mines in mined areas under its jurisdiction and control. The United Kingdom seeks an extension for a period of five years from 1 March 2019 to 1 March 2024. Please find enclosed a document which contains all the information required under Articles 5(4)(b) and (c) of the Convention. This takes the form of the voluntary template as set out by the Convention's Implementation Support Unit.

In 2008, the United Kingdom was granted an extension request under Article 5 for a period of 10 years commencing from 1 March 2009 to continue the demining of the Falkland Islands. During the 10 year extension period, the United Kingdom has conducted extensive efforts over five phases of activity to considerably reduce the number of remaining anti-personnel mines in the Falkland Islands, enabled by funding of over £38 million. Despite the significant progress, it will not be possible to achieve full completion within the current extension period which ends on 1 March 2019. Hence, the United Kingdom requests an extension of five years in order that it can uphold its obligations under the Convention.

I wish to emphasise the United Kingdom's broader commitment to the Convention, alongside that of demining of sovereign territory. The United Kingdom's substantial stockpile of anti-personnel mines was destroyed within one year of the Convention coming into force, meeting our obligations under Article 4 of the Convention. Furthermore, the United Kingdom is one of the world's leading donors on mine action, dedicating significant resources of £100 million globally over three years to tackle the humanitarian and development impact of landmines and other explosive remnants of war in line with its commitments to international cooperation and assistance under Article 6 of the Convention.

The United Kingdom has played an historic role in tackling the indiscriminate and lethal legacy of anti-personnel mines. The United Kingdom is a firm supporter of the Convention and is proud to be a State Party. In the submission of this request, it seeks the opportunity to continue to uphold its obligations and to support the Convention as a key disarmament initiative for the prohibition of anti-personnel mines.

Yours sincerely,

Angus Lapsley

Angus Lapsley  
Director Defence, International Security & South East Europe

**CC:**

Members of the Committee on Article 5 Implementation:

H.E. Marta Maurás Pérez, Ambassador and Permanent Representative,  
Permanent Mission of Chile to the United Nations

H.E. Beatriz Londoño Soto, Ambassador and Permanent Representative  
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H.E. Robert Gabriëlse, Permanent Representative of the Netherlands to the  
Conference on Disarmament in Geneva

Mr. Juan Carlos Ruan, Director  
AP Mine Ban Convention Implementation Support Unit

# **UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND**



## **The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction**

**Request under Article 5(6):**

**For an extension of the deadline for completing the destruction of  
Anti-personnel mines in mined areas in accordance with Article 5(1)**

**31 March 2018**

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## EXECUTIVE SUMMARY

1. The United Kingdom of Great Britain and Northern Ireland (UK) signed the Anti-Personnel Mine Ban Convention (hereby referred to as the Ottawa Convention) on 3 December 1997 and ratified it on 31 July 1998. The Convention entered into force for the UK on 1 March 1999. The UK extended the treaty to the Falkland Islands and other Overseas Territories on 4 December 2001. The UK strongly upholds its commitments under the Convention. Article 5.1 requires the UK to destroy all anti-personnel landmines in mined areas “under its jurisdiction or control”. The deadline for compliance was 1 March 2009. On 30 May 2008, the UK submitted a request to the President of the Eighth Meeting of the States Parties to the Ottawa Convention for a ten year extension to clear the Falkland Islands. The extension was granted and expires on 1 March 2019.
2. The UK has made significant progress in the clearance of the Falkland Islands and towards meeting its obligations under the Ottawa Convention. Since 2009, the UK has completed four phases of clearance work at a cost of £11,000,000 and is currently engaged in the fifth phase at a further cost of over £27,000,000<sup>1</sup>. Of the 122<sup>2</sup> mined areas which existed in 2009, and as at 5 March 2018, only thirty seven remain to be cleared; however, these are the most complex mined areas. The UK now has a fully funded programme in place to reduce this number to eight mined areas by 31 March 2020 using the same methods and means of high quality land release processes with strongly experienced contractors. The UK requests the opportunity to continue this valuable activity for an extended period of five years from 1 March 2019 to 1 March 2024, with the strong intention of fulfilling the UK’s obligations.
3. Despite the significant progress made, the environment of the Falkland Islands has posed a unique challenge throughout. Factors include the adverse weather conditions (all four seasons can be experienced on one day) that enforce an annual three month stand down in the winter months because of the risks to safety, quality and productivity. The inaccessibility of the Falkland Islands means they have limited capacity to support an expanded workforce that would us to increase the rate of work. In particular local resources such as accommodation, equipment hired locally and medical resources are limited. Furthermore, considerations including the environmental consequences of demining and the tough financial climate are all aspects with which the UK has contended in taking forward this work over the last decade. These factors are becoming increasingly significant as we tackle the more technically-challenging and environmentally-sensitive minefields in Phase Five. Consequently, to address many of these considerations the UK has increased its funding commitment. Phase 5 represents a significant acceleration in the UK’s efforts to demine the Falklands, with the project receiving a substantial funding uplift and operating at the largest capacity yet.
4. All work completed on the Falkland Islands meets or exceeds IMAS standards, by adapting IMAS standards to meet the specifics of the situation found on the Islands. Operational efficiency has continually improved as a result of a clear strategic commitment from the UK Government. Consequently, incremental experience has been gained over the period of the extension in five phases of demining. Efficiency improvements have also been made possible by the use of experienced, resourceful and meticulous operators, employing highly effective processes, techniques and equipment

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<sup>1</sup> Funding has been increased from £20,000,000 as announced on 14 September 2016, now to over £27,000,000 to support continued activity in the Falkland Islands into the extension request period.

<sup>2</sup> See 1.2.2. The 2007 Feasibility Study stated that there were 117 mined areas, as, in a few instances, it combined two separately numbered mined areas together. To maintain accurate accounts of progress, the true figure of 122 is now used.

(including flails, tillers and drones) to manage the varied conditions of rock screes, dry and water-logged peat, mined areas laid at the edge of the sea, beach and sand dunes. The processes of data collation and analysis, non-technical survey, technical survey and clearance are well understood and employed on the project.

5. Looking ahead, as stated in the first extension request, the Falkland Islands contain some sensitive flora, fauna and fragile terrain which require careful consideration before any clearance work begins. The earlier phases of work focused on tasks where the greatest impact could be achieved in the shortest time; minefields with environmentally sensitive issues were left until later. This procedure was used to refine the approach and to learn throughout. To foresee the challenges, an environmental impact assessment was conducted in 2017 on these areas. The assessment identified two particular issues alongside mitigation mechanisms to reduce the environmental risks and to ensure that impact to the existing environment is limited to the minimum practicable. The first area of concern is to achieve sensitive clearance in the minefields within which some penguin species breed and nest in burrows. The second area of concern to manage is the operationally and environmentally challenging natural landscape at Yorke Bay.
6. The task at Yorke Bay will be split into two parts. Firstly, all the mined areas will be subjected to technical survey and the survey reports will be analysed and the clearance work costed. This will be completed within the UK's current extension period which expires on 1 March 2019. The second part will be the clearance of the mined areas and, for reasons explained later, this is neither possible within the current extension period nor, indeed, within the current Phase 5 project which is now scheduled to end on 31 March 2020. Clearance, when it commences, will be very complex. Requesting the additional funding to complete the clearance of Yorke Bay and, once approved, contracting the remaining work may take an additional year, thus already two years beyond the existing 1 March 2019 deadline. It is possible that work can be completed in a single further year but that cannot be certain at this stage. Rather than request a three year extension which may prove insufficient, thus necessitating a further extension request, the UK requests a five year extension until 1 March 2024 to continue the much-reduced, but significant demining challenge.
7. The areas containing mines are identified and contained within perimeter-marked and fenced areas, as required under Article 5(2) of the Convention. To date there have been no civilian casualties and the clear marking will continue to mitigate against such an incident. The last British military casualty was in 1983. Apart from the denial of access to the social amenity which will be alleviated by the clearance of Yorke Bay, there is no other impact. Hence, the Falkland Islands are considered to be 'mine-impact free'. Most of the remaining mined areas are in remote locations, and pose negligible risk to civilians. In all phases of demining, safety is paramount. Environmental and community issues are also a high priority, and the project seeks to cause as little disruption to local residents and wildlife as possible. All demining projects are conducted in close cooperation with the Falkland Islands Government.

## DETAILED NARRATIVE

### 1. INTRODUCTION

#### 1.1 Statement of facts

1.1.1 The United Kingdom (UK) signed the Ottawa Convention on 3 December 1997 and ratified it on 31 July 1998. It entered into force on 1 March 1999. The UK's substantial stockpile of anti-personnel mines was destroyed within one year of the convention coming into force.

1.1.2 Since then, and up to date, the UK has provided, or committed, over £38,000,000 to the clearance of the Falklands Islands.

1.1.3 Article 5(1) of the Ottawa Convention requires the UK to destroy all anti-personnel landmines in mined areas "*under its jurisdiction or control*". The deadline for compliance was 1 March 2009. On 30 May 2008 the UK submitted a request to the President of the Eighth Meeting of the States Parties to the Ottawa Convention for a ten year extension. This was granted and expires on 1 March 2019.

#### 1.2 The Falkland Islands

##### 1.2.1 **Origins of the Article 5 implementation challenge**

The Falkland Islands are a UK overseas territory and the only mined areas under the jurisdiction and control of the UK. During the conflict in 1982, a number of minefields were laid on the Islands. The Argentine Government reported to the United Nations that some 20,000 anti-personnel mines and 5,000 anti-vehicle mines were taken to the islands by its armed forces.

##### 1.2.2 **Nature and extent of the original Article 5 challenge: quantitative and qualitative aspects**

In 1982, it was estimated that just over 20,000 mines, including both anti-personnel mines and anti-vehicle mines, remained within the mined areas. By the end of 1983, when the UK ceased further mine clearance due to accidents to British soldiers conducting clearance work, there were 122 mined areas remaining (including four areas that were only suspected of containing mines). The Feasibility Study (see 1.2.4 below) stated there were 117 mined areas and this has been the number used since 2007. The discrepancy is because the Feasibility Study, in a few instances, combined two separately numbered mined areas together. This was not corrected until clearances started and the clearance contractor reported the clearance of each individually numbered mined area. In order to maintain accurate accounts of progress, the true figure of 122 is now used. The mined areas in total covered just over 13 sq kms; this represented only 0.1% of land used for farming.

The mined areas cover a wide range of terrain including sandy beaches and dunes, mountains, rock screes, dry peat, wet swampy peat, and pasture land. Some areas are highly isolated, without access for four wheel drive vehicles. They can only be accessed by specialist track vehicles at present.

##### 1.2.3 **Methods used to identify areas containing AP mines and reasons for suspecting the presence of AP mines in other areas**

The areas containing mines were identified in the months after the conflict ended in 1982 and are contained within the 122 perimeter-marked and fenced areas.

## 1.2.4 Activity prior to the first extension request

Following the conclusion of the conflict in 1982, approximately 1,855 mines were removed and destroyed from the mined areas, and stockpiles containing approximately 3,000 mines were destroyed immediately after the conflict.

In 2001, the UK and Argentina agreed to carry out a joint feasibility study on the clearance of landmines on the Islands. Cranfield University was selected by the two governments to carry out the Feasibility Study, including a field survey of the Falkland Islands. The report, published on 9 July 2007, highlighted the environmental and remediation challenges, the climatic constraints and the limitations of the existing local infrastructure. The report, which was well received by States Parties, is contained within the UK's first extension request available online on the Convention's website.

The study assessed the suitability of various mine clearance equipment and techniques for both clearance and confidence building measures. Cranfield University concluded that the clearance of mines from all mined areas would be challenging but technically possible and it recommended a two year trial. Subject to the outcome of the trial it estimated that the task would take a minimum of ten years after the trial, thus a minimum of twelve years.

## 2. ACHIEVEMENTS SINCE THE EXTENSION REQUEST WAS GRANTED

### 2.1 The trial and clearance statistics

2.1.1 At the Eighth Meeting of States Parties, the UK stated it would undertake a trial. This was conducted over two separate phases of work. Phase 1, which was explained to the meeting, involved the clearance of three mined areas, later increased to four. These tasks focused on searching for landmines and sub-munitions (BL755) and took place on beaches, sand dune and peat areas. Phase 2 took place on land which was known not to be mined but still within a restricted area behind the Stanley Common fence. The aim was to test battle area clearance techniques looking for BL755 and other unexploded ordnance. Both projects provided lessons which informed subsequent phases. These lessons, combined with the feasibility study, proved very valuable.

2.2.2 Work has been conducted so far over five phases, as summarised briefly below<sup>3</sup>:

Phase	Number of mined areas	Area released (sq metres)	Anti-personnel (AP) mines	Anti-vehicle (AV) mines	BL755 Cluster Munitions	Unexploded Ordnance
1	4	89,540	678	568	2	10
2	0	3,490,000	0	0	0	85
3	6	1,024,241	233	32	0	0
4	25	2,427,258	3,172	327	19	25
5a <sup>4</sup>	50	4,816,051	4,173	242	1	26
Totals	85	11,847,090	8,256	1,169	22	166

<sup>3</sup> The UK has not historically collated data on area cancelled and on area reduced.

<sup>4</sup> As at 5 March 2018.

2.2.3 A comprehensive 'Cumulative Totals' spreadsheet is attached at Annex A showing total progress up to 5 March 2018. A set of maps is attached at Annex C showing areas cleared (green) and uncleared (red):

- Appendix 1 shows the situation in the Stanley area.
- Appendix 2 shows the areas to the west on Stanley at Bluff Cove and Goose Green.
- Appendix 3 shows the situation at Fox Bay and Port Howard on West Falkland.

2.1.4 Phase 5a concludes on 31 March 2018. Phase 5b commences immediately in succession on 1 April 2018 and will conclude by 31 March 2020. It is very likely this will leave the most challenging mine clearance task on the Falkland Islands, the very environmentally sensitive beach and sand dune area known as Yorke Bay for later completion. This is discussed in Sections 3 and 4 below.

## 2.2 **Means used to release areas known or suspected to contain AP mines**

2.2.1 Since the beginning of the work, the underlying principles of land release activities on the Falkland Islands have been:

- The landmines shall be cleared to fulfil international obligations;
- All operational decisions shall put the safety of the deminer first;
- After the safety of the deminer, the quality of the land release outcome shall take precedence;
- Some disruption is unavoidable but best efforts will be used to minimise the impact of land release activities on the environment;
- In general, land release does not take place during the winter months because of the risks to safety, quality and productivity. Exceptions to this will be sought on a case by case basis.

2.2.2 The UK has followed the principles set out in IMAS 09.10 (Clearance Requirements) and is very conscious of the statement that "*The beneficiaries of humanitarian demining programmes must be confident that cleared and released land is safe for their use. This requires management systems and clearance procedures which are appropriate, effective, efficient and safe.*" The UK and its contractors have used all reasonable effort to achieve the best practicable outcome. On the issue of post clearance safety, the UK has used the principles set out in UK Health and Safety legislation to reduce the residual risk to As Low As Reasonably Practicable (ALARP) which is similar to the IMAS concept of 'all reasonable effort'<sup>5</sup>.

2.2.3 All work completed meets or exceeds IMAS standards, by adapting IMAS standards to meet the specifics of the situation found on the Falkland Islands. The two-phase trial allowed techniques and equipment to be tested, along with developing planning and management systems. Logistics management has been a vital element of planning, given the challenging supply line to the Falkland Islands. Operational efficiency has improved substantially as the project has progressed. Phase 4 and Phase 5 in particular have worked at a very high level.

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<sup>5</sup> "*All reasonable effort has been applied when the commitment of additional resources is considered to be unreasonable in relation to the results expected.*"

Public confidence in the project has been further enhanced as explained in 2.3.2 and 2.3.4 below.

2.2.4 Starting with the trial undertaken over the first two phases, there has been continual improvement in all aspects of the project. Improvement has been supported by the experience gained over the period of the extension. It has been aided by a clear strategic commitment from the UK Government which resulted in five phases of demining; an experienced and resourceful Land Release Contractor (LRC) and a meticulous Demining Project Office (DPO); and by the effective use of processes, techniques and equipment.

2.2.5 The processes of data collation and analysis, non-technical survey, technical survey and clearance are well understood on the project. The processes have been especially important in the case of the Falkland Islands data collation and analysis. Over 60 of the mined areas had minefield records created by Argentine troops, which were, in the main, accurate and helpful. Some Islanders were able to help with what they had seen; a few having watched some of the mines being laid. In addition, extensive worldwide outreach was undertaken with former British servicemen, who were involved in the conflict or who were on the islands shortly after, seeking any information they could provide. This built up a picture which helped project planning. This outreach continues.

2.2.6 Techniques have been developed which can cope with the varied conditions of rock screes, peat – both dry and very water-logged – mined areas laid at the edge of the sea, beach and sand dunes. Mines have been located at 40 cm underwater in a waterlogged peat area. In addition, and with the passage of thirty five years, some of the markings made when the mines were laid, and shown on the Argentine minefield records, have proven difficult to find. Hence, the LRC and DPO have developed an ability to analyse the ground, knowing the Argentine method of laying mines, to decide the orientation of the minefield. A technique of especial note is the ‘missing mine drill’. This technique is employed when a mine is not located where it should be, either as shown on the minefields record or, when no record exists, in relation to other mines found. The ground is searched carefully around the expected location and to a depth below which the mine cannot reasonably be present. The ground is subjected to a near-forensic search looking for tiny fragments of a mine that might have detonated.

2.2.7 The LRC has a range of equipment, which whilst not unique to the Falkland Islands, have an important impact. In particular, the use of flails and tillers is vital. This equipment is used in technical survey and the clearance process. In the latter case, they are used to create safe lanes to the minefield. Once located, machines are used to create a safe lane close to and along the alignment of the mine row, and from which the deminers move into the mined area. This has enabled work to progress more quickly than previously. In addition, a drone is used successfully to look into areas which cannot be seen any other way. This has enabled the LRC to locate unused stockpiled landmines which may not have otherwise been seen. The drone use has enabled non-technical survey to be undertaken which, in the many extensive mined areas, has been extremely useful.

### 2.3 **Organisational enhancements: National demining structures**

2.3.1 From the very beginning of the project, a National Mine Action Authority (NMAA) was created to regulate, manage and co-ordinate mine action on the Falkland Islands. The NMAA ensures that mine action is conducted in accordance with UK and Falkland Islands’ legislation, and its approval is required for all plans submitted to it. The NMAA is chaired by the Foreign & Commonwealth Office (FCO) and comprises representatives from the Ministry of Defence (MoD), the Falkland Islands Government (FIG) and the Strategic Advisor. It meets as required, and at least every six months. The LRC and the DPO are invited when appropriate.

2.3.2 The Land Release Contractor (LRC) is an organisation selected by international competitive tender prior to each phase<sup>6</sup>. This is a requirement of the European Union. Based on a selection awarded on the balance of merit and value for money, the same organisation has been selected to undertake all the projects thus far. This has allowed the experience of each prior phase to improve performance and productivity in the successive phase. The choice by the contractor of experienced Zimbabwean staff has been highly successful and they are employed at various levels from Operations Manager, supervisors, team leaders, medics and deminers. The Zimbabwean staff, some of whom have been involved since Phase 1, have become an integral and important asset to the project. The staff have demonstrated high levels of professionalism in the difficult weather conditions; and they have built strong connections with the community, creating an invaluable link between the project and the Islanders. The combination of these factors has been beneficial to the project.

2.3.3 Also selected through international competitive tender, the Demining Project Office (DPO) is a service provided by a contractor independent of the LRC and it is responsible for implementing the policies of the NMAA. The DPO monitors the land release activities on the Falkland Islands. Entirely on merit, the same organisation has been selected to undertake all the projects thus far. This has allowed that organisation<sup>7</sup> to use the experience of each prior phase to improve performance and productivity in the successive phase.

2.3.4 The Suspect Hazardous Area Land Release Committee (SHALARC) was formed after Phase 1. The SHALARC is the body based on the Falkland Islands with which the land release processes being used and the progress of the project are discussed. It provides an opportunity for the LRC and the DPO to discuss issues which may be of interest or concern to the committee. It also provides an opportunity for the contractors to explain the approach being taken to ensure that any residual risk is reduced to as low as reasonably practicable and that the land subject to the land release process can be released for public use. The committee comprises a wide range of local officials and a representative of the UK military.

## 2.4 **Methods and standards of controlling and assuring quality**

The quality of the land release process is high. The LRC undertakes its own internal Quality Assurance (QA) and Quality Control (QC). The DPO monitors this and may also conduct its own external QA and QC. The DPO undertakes QA on a regular basis and may do so without prior notification to the LRC. The DPO undertakes QC at times agreed with the LRC. The DPO provides the LRC with a QC Sampling Plan prior to the inspection. If there is a failure to agree, the DPO may over-ride the LRC. Additionally, the DPO, when appropriate, undertakes random sampling of areas subjected to mine clearance, Battle Area Clearance (BAC), or areas that have been cancelled. Within limits, random sampling is of high subjective and objective value for the confidence of land release to potential land users and as a visible demonstration of thoroughness. The aim is to test whether any non-conformities or critical non-conformities exist within the sample. If a critical non-conformity is found, an appropriate area, to be determined by the DPO, shall be re-processed.

## 2.5 **Resources made available to support progress made to date**

2.5.1 The UK has made significant progress to date in the clearance of the Falkland Islands. Since the UK's extension request in 2008, the UK committed £11,000,000 to the first four phases of demining. On 14 September 2016, the UK announced the commitment of a further £20,000,000 of funding to commence Phase 5 in order to continue the removal of anti-

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<sup>6</sup> With one exception when a single source justification was used due to insufficient time to undertake competitive tendering. This was explained to potential bidders who agreed the exception.

<sup>7</sup> The DPO changed name after Phase 1 but maintained the same staff on the project.

personnel mines from the Falkland Islands. This funding has been raised to over £27,000,000 to support the continued removal of anti-personnel mines in to the extension request period. This funding will complete the work of Phase 5 as shown in Annexes A and B. Further funding will be sought once the cost of clearing Yorke Bay is known based upon the results of technical survey conducted during the extension request period in Phase 5.

2.5.2 In addition, the UK Government has set in place a strategic commitment which will see the Falkland Islands clear of landmines as soon as practicable subject to the exigencies explained below.

## 2.6 **Exclusion of civilians from mined areas**

2.6.1 As stipulated in Article 5(2) of the Convention, all 122 mined areas have been perimeter-marked and are regularly monitored and protected by quality stock proof fencing, to ensure the effective exclusion of civilians. This minimises the threat to the civilian population. With no civilian casualty to anti-personnel mines in over thirty five years, the humanitarian impact is negligible. There is also an ongoing programme of risk education for military and civilian personnel on the island to ensure that mine awareness remains a key part of normal health and safety considerations.

2.6.2 Since 1989, the Falkland Islands Government has had a Crimes Ordinance in place which makes it a criminal offence for any person who<sup>8</sup>:

- *Wilfully enters a minefield without lawful authority; or*
- *Without lawful authority wilfully causes a mine to explode or attempts so to do; or*
- *Without lawful authority wilfully cuts or removes any part of any fence dividing any minefield from other land; or*
- *Without lawful authority removes, damages or obscures any sign or notice warning of the existence of or depicting the boundaries or a boundary of a minefield, or warning of the possibility that mines may be found in the vicinity; or*
- *Wilfully drives any animal into a minefield.*

2.6.3 Offences under this ordinance are extremely rare and are dealt with appropriately when they do occur. In addition the fences and the mine signs on them are checked by the military and fence maintenance is undertaken by a local contractor. On completion of clearance the LRC removes the mine signs but decisions on what to do about the fences is a matter for the Falkland Islands Government who also own the fencing materials.

## 2.7 **Socio-economic issues**

2.7.1 The impact of landmines on the population of the Falkland Islands is minimal. Given a land area of 12,174km<sup>2</sup> and a population of about 3,200 (i.e. 3.8km<sup>2</sup> per person) there is no general pressure to open up more land for use. The total area of the mined and suspect areas estimated in the feasibility study represents a very small part (less than 0.002%) of the total land area, so the economic impact of landmines on the Islands' farming communities is negligible. It is the general view of farmers that the remaining landmines are an 'inconvenience' but have minimal impact on their livelihoods. There is no impact on fishing

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<sup>8</sup> The Crimes Ordinance 1989, Section 10 (1).

rights or oil exploration. There have been no civilian casualties due to landmines or any other explosive remnant of war.

2.7.2 The once restricted use of Surf Bay caused a social impact; this area was cleared in 2010. As of 31 March 2018 all of the Stanley Common will be free from landmines. This was a popular recreational area before the conflict. There is presently a social impact due to the ongoing demarcation of Yorke Bay. Yorke Bay is, possibly, the most difficult task on the Falkland Islands and will be the last to be cleared.

2.7.3 In 2014 the Falkland Islands Government requested that the minefields laid alongside the main road heading west out of Stanley be prioritised for clearance. It was concerned by the unrealised risk that Islanders, driving too fast, might skid off the road into one of the minefields. This work was completed in 2016.

### **3. REMAINING IMPLEMENTATION CHALLENGE**

#### **3.1 The environment**

3.1.1 As stated in the first extension request, the Falkland Islands contain some very sensitive flora, fauna and fragile terrain requiring careful consideration prior to the commencement of any clearance work. Earlier phases of work focused on tasks where the greatest impact could be achieved in the shortest time leaving until later those minefields with environmentally sensitive issues. An environmental impact assessment (EIA) was conducted in 2017 on these areas and identified two particular issues i) the penguins on the Islands and ii) the area at Yorke Bay (Yorke Bay is discussed at 3.4 below). The EIA produced conditions to ensure that impact to the existing environment is limited to the minimum practicable.

3.1.2 Some penguin species live in minefields. Of especial concern are those Magellanic penguins which breed and raise their young inside burrows within some mined areas. It is an unfortunate reality that, because of challenging weather, mine clearance on the Falkland Islands is best undertaken in the Austral summer, precisely the time that penguins breed. In the worst case, if clearance were to proceed without due care, a complete breeding season might be lost and that season's chicks may die. This is an outcome the LRC will apply all practicable effort to avoid as explained in 3.1.3. Further, penguins may abandon their nesting areas and whilst there is no shortage of alternative land, there is a risk that they may move significant distances. Tourism on the islands – especially from cruise ships – is a key industry and the proximity of penguins close to Stanley is an important attraction.

3.1.3 The LRC maintains regular contact with the Environmental Planning Department of the Falkland Islands. The LRC also takes especial note of the conditions in the EIA and will ensure that impact to the existing environment is limited to the minimum practicable. To help achieve this and to reduce the risk, the LRC has agreed a range of mechanisms during the breeding season which include:

- Not operating heavy plant within 50m of an occupied burrow;
- Not operating lighter plant within 20m of an occupied burrow;
- Manual procedures occurring no-closer than 2m to an occupied burrow;
- Any work within 10m of an occupied burrow is carried out in blocks providing access to the burrow morning, noon and evening; and
- Mines suspected to be within 2m of the occupied burrow will be flagged and extracted during the non-breeding period.

3.1.4 These mechanisms may impose some delays to the task scheduling. To mitigate the risk the LRC is factoring this into task planning for Phase 5b and will schedule some work into the early winter period if practicable.

### 3.2 **The work plan for Phase 5**

3.2.1 The UK will ensure the Convention is provided with updated information on progress and next steps at future meetings of States Parties to the Convention. The tasks to be undertaken in Phase 5b, which runs from 1 April 2018 to 31 March 2020, are shown in more detail in Annex B. In summary, the work to be completed within Phase 5b by sector is:

- Cluster 2 are tasks which required technical survey in Phase 5a before clearance could be properly planned. Clearance will now take place in Phase 5b, with the physical elements of completion anticipated to be in May 2019, notwithstanding any changes in circumstances.
- Cluster 3 are tasks originally scheduled for Phase 5a but which were delayed to Phase 5b because the EIA had not been completed in time. Clearance will take place within in Phase 5b with the physical elements of completion anticipated to be in November 2019, notwithstanding any changes in circumstances.
- Cluster 4 is the technical survey of the mined areas in Yorke Bay. Results of the technical survey will be available in 2019. Clearance is not anticipated within Phase 5b (see 3.4.3 below).
- Cluster 5 are the tasks behind the Murrell Peninsula fence line (see 3.3.2). Clearance will take place in Phase 5b, with the physical elements of completion anticipated to be in March 2020, notwithstanding any changes in circumstances.

3.2.2 The LRC contractor and the DPO work closely together to schedule the tasks at appropriate junctures within the two year period of Phase 5b, maintaining flexibility according to the complexity of the minefields, the logistical considerations (such a distance from base and access), and the operation aspects (weather conditions, tides). Phase 5a demonstrated the effectiveness of this approach; it completed ahead of time allowing preparation for and the early commencement of Phase 5b alongside the conclusion of Phase 5a in a phased approach in March 2018. The project will continue to use the methods and standards used to release areas known or suspected to contain mines as set out at 2.2.

### 3.3 **Nature and extent of the remaining Article 5 challenge**

3.3.1 One task in Cluster 4 merits explanation. 'M002' refers to a British-laid minefield, one of six minefields laid in early 1983 and cleared in 1986. One anti-personnel mine could not be found when M002 was cleared despite three days of searching. The precise area where the landmine should have been was protected by extending the fence which surrounds the Argentine-laid minefield SA015. This area will be subjected to further investigation. In addition, the area of M002 that remains behind fences will be subjected to technical survey to confirm nothing remains elsewhere. The land on which all the other British-laid minefields were located is now open to the public, only this area remains restricted. It is highly probable that the 'missing mine' was never laid but the area in question will be subjected to rigorous checks.

3.3.2 There are four tasks in Cluster 5 which merit explanation.

- Don Carlos Bay and Beatrice Cove have never been considered as mined areas and are not indicated as such on maps. However, they are, in part, located behind the long Murrell Peninsula fence, which has been out of bounds to all persons on the Island since 1982 so it has not been possible to check whether these two areas were mined. As a matter of convenience in 1982, the existing stock fence was used as the boundary to prevent access to the Peninsula in which are located the mined coves (MPs 1 to 5) and Don Carlos Bay and Beatrice Cove. The latter are not suspected as mined but will be checked as a precaution. Argentine records do not exist for any of the mined areas on the peninsula. Currently, Don Carlos Bay and Beatrice Cove are not included within the 122 mined areas that have existed on the Islands as established in the Feasibility Study of 2007. If these two areas are found to require clearance, they will be added to the list of mined areas. We can expect that these areas can be cleared within the extension period.
- 'BAC 1' is an old building behind but close to the Murrell Peninsula fence which is rumoured to be booby-trapped. This will be checked, and if necessary, cleared. 'BAC 2' is a former British military anti-aircraft missile position which will be checked.

### 3.4 **The task at Yorke Bay**

3.4.1 Yorke Bay is a beautiful natural landscape and its clearance is eagerly awaited by the Islanders. The area presents challenges as the beach and sand dunes are of environmental and operational concern; and although the EIA details that the penguins could demonstrate less impediment here, this could change should the penguins decide to move. The operational concern comes from some minefields being located on the beach and some minefield located under sand dunes which have built up over thirty five years. This raises two questions: although there are helpful Argentine minefields records for each mined area, are the landmines still where the records indicate they were laid and what is the depth of sand to be excavated? In addition, those sand dunes destroyed during clearance will require careful reinstatement later. Until these questions are answered, planning and costing the clearance cannot be done with confidence. Clearing beach areas is not unique to the Falkland Islands but there are no geomorphic records which help understand shoreline and sand dune changes since 1982 so until technical survey is completed across the area there is no reliable data on which to plan clearance.

3.4.2 Therefore the Yorke Bay task will be split into two parts. Phase 5b will include the technical survey of all the mined areas. This will allow a realistic costing for clearance to be made. The relevant survey reports will be passed to the NMAA as soon as practicable. The second part will then be the clearance of the remaining eight mined areas. The LRC has already undertaken a volumetric analysis of the area and especially 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 moved. The area over which technical survey could be required (13.56ha) may appear small but the depth of excavation to reach the mines could be considerable. If mines have moved, the area in question may vary considerably before their location and possible dispersion can be determined. None of this will be known until the surveys are complete which might be at the end of 2018 or early 2019. The UK will provide updated information on progress and next steps at subsequent future meetings of States Parties to the Convention.

3.4.3 Clearance, when it commences, will be complex. The excavation of sand is not a problem *per se*, the challenge is sand management. The sand will need to be managed to ensure that 'dirty' sand (i.e. which has not been searched for landmines), is kept separate from 'clean' sand (i.e. which has been checked for landmines and from which any landmines found have been removed). Another concern is to prevent the excavated sand blowing away in the strong winds regularly experienced on the Falkland Islands. In developing processes to

manage these challenges, the project benefits from firstly the experience gained when clearing the smaller Surf Bay in Phase 1, and secondly, also the DPO personnel's experience gained from their involvement in the first phase of the clearance of the Skallingen Peninsula in Denmark. The LRC has in place appropriate mechanical handling equipment and more will be delivered in due course.

### **3.5 Delivery of the remaining clearance**

#### **3.5.1 The annual cost and future funding of the remaining clearance**

The UK Government has committed to spend over £27,000,000 on Phase 5 (2016-2020). This is a fully funded programme for the clearance of 79 mined areas measuring an estimated total of 5,816,111 square meters (see Annexes A and B). This leaves remaining only eight mined areas measuring an estimated 163,460 square meters. The original 122 mined areas are estimated to cover 13,010,610 square meters, including the land behind mine fences. The cost to complete the remaining clearance of the Falkland Islands will only be known during the course of Phase 5 from the technical survey work to be completed. Once an accurate estimate is acquired, the FCO and the MoD will bid for funding to complete the work.

#### **3.5.2 Institutional, human resource and material capacity**

The existing contractors have strong institutional knowledge and are highly experienced in their clearance of the Falkland Islands. They will be able to continue work immediately from Phase 5a in to Phase 5b and thereafter the extension requested. Testing of the technical survey methodology is underway at present which will inform the possible need for more equipment.

#### **3.5.3 Institutions and structures**

The existing structures and institutions have proved effective in delivering the project outcomes and will be retained without modification. All those working on the project continually look for improvements, and remain flexible should any modifications be appropriate.

## **4. CIRCUMSTANCES IMPEDING IMPLEMENTATION BY THE DEADLINE**

### **4.1 Assumptions**

4.1.1 The main assumption and risk factor lies with the clearance at Yorke Bay. All other mined areas are considered manageable with the funding already allocated, the contracts in place for the remainder of the Phase 5 project and the time available within the five year extension (see 5 below), notwithstanding the general risks with all mine clearance in the Falkland Islands, such as poor weather forcing stand-downs.

4.1.2 The UK retains the strong intention that the clearance of Yorke Bay will be possible within the 5 year extension request. As explained above, the technical survey across Yorke Bay will be carried out during the latter part of Phase 5 and only then can the clearance work be planned and costed. Depending upon the survey results two factors may come into play. Firstly, there may not be enough time to complete clearance by the end of Phase 5 (31 March 2020 – the end of the UK financial year). Secondly, it is unlikely that there are currently sufficient, pre-allocated funds available to complete clearance and if not, new funding cannot be requested until the costs are known. The UK will provide updated information on progress and next steps at subsequent future meetings of States Parties to the Convention.

## **4.2 Risk factors to the realisation of the plan**

4.2.1 From a technical perspective, the main risk at Yorke Bay is that some mines may have been moved by sand movement and technical survey cannot identify the bounds of that movement. This leads to lengthier and more expensive clearance.

4.2.2 Financially the main risk is a delay to securing further funding. Bidding for funding from within the UK Government must take place on the basis of accurate estimations, which is only possible following Technical Survey in Phase 5b. Funding will be weighed against competing priorities and subject to approval at senior levels. This in turn, could lead to a situation requiring demobilisation, and remobilisation, or retendering, after Phase 5, which would be timely and costly, hence the request for an extended deadline to 2024.

## **5. REQUEST FOR AN EXTENDED DEADLINE**

Requesting the additional funding to complete the clearance of Yorke Bay and, once approved, tendering the remaining work may take an additional year, thus already two years beyond the existing 1 March 2019 deadline. It is possible that work can be completed in a single further year but that cannot be certain at this stage, particularly given the processes set out in 4.2.2 above. Rather than request a three year extension which may prove insufficient, and thus necessitating a further extension request, the UK requests a five year extension until 1 March 2024.

## **6. SOCIO-ECONOMIC IMPACT DURING REQUESTED PERIOD**

6.1 After the conclusion of the currently planned Phase 5 project on 31 March 2020, only the Yorke Bay clearance tasks will remain and this loss of amenity will continue. The area is fenced with mine signs and is out of bounds to the Islanders. The only impact will be that the thirty five years of exclusion to the public may be extended for the duration of the extension.

6.2 There are no other socio-economic impacts.