

Analysis of the request submitted by Nicaragua 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 President of the Eighth Meeting of the States Parties on behalf of the States Parties mandated to analyse requests for extensions

3 October 2008

1. Nicaragua ratified the Convention on 30 November 1998. The Convention entered into force for Nicaragua on 1 May 1999. In its initial transparency report submitted on 30 September 1999, Nicaragua reported areas under its jurisdiction or control containing, or suspected to contain, anti-personnel mines. Nicaragua is obliged to destroy or ensure the destruction of all anti-personnel mines under its jurisdiction or control by 1 May 2009. Nicaragua, believing that it will be unable to so by that date submitted on 28 March 2008 to the President of the Eighth Meeting of the States Parties, a request for an extension of its deadline. Nicaragua requests a one year extension (until 1 May 2010.)
2. The request indicates that, on the basis of records dating back to 1989, there were 991 “objectives” containing a recorded 135,643 mines. The request further indicates that on the basis of ongoing work that has resulted in new undocumented mined areas being discovered, it has been estimated that this represents only 80 percent of the entire challenge. The request also indicates that the revised total number of objectives is 1,005.
3. The request indicates that as a result of work completed to date (which commenced prior to entry into force) Nicaragua has destroyed 155,192 emplaced anti-personnel mines including 15,833 mines that were not originally recorded. Of the updated estimate of 1,005 “objectives”, 958 have been addressed. The request includes an annex detailing information on each of these 958 objectives, including information on their locations and on the numbers of mines destroyed.¹ The request also indicates that 47 objectives totalling 285,800 square metres (i.e., approximately 0.3 kilometres) remain to be addressed.² The States Parties mandated to analyse requests submitted under Article 5 of the Convention (hereafter referred to as the “analyzing group”) noted that constant progress had been made by Nicaragua since entry into force resulting in an important number of objectives having been achieved and a large number of mines destroyed.
4. As noted, Nicaragua’s request is for one year (until 1 May 2010). The request indicates that completing implementation within this timeframe is contingent upon the receipt of international assistance. The request further indicates that it is intended that implementation should be completed by the end of 2009 with only a residual capacity maintained in 2010. The analyzing group noted that even though it is planned for all areas to be addressed by the end of 2009, the requested period would extend until 1 May 2010 to address unforeseen mined areas in accordance with the type of experience faced by Nicaragua to date. On 18 April 2008, the President of the Eighth Meeting of the States Parties (8MSP) wrote to Nicaragua to seek clarity on various points, including to ask if a budget shortfall in 2008 would affect the timeline for implementation. Nicaragua

¹ The analysing group noted a discrepancy between the total number of mines destroyed in the body of the request – 155,192 – and a total that appear in annexes to the request – 158,661.

² The analysing group noted a discrepancy between regarding the number of objectives that remain with both 47 and 48 variously mentioned.

responded by indicating that if required funds are not secured, 40 percent of Nicaragua's operational capacity would be demobilised and the completion date most likely would be extended into 2010.

5. The request indicates the following as impeding circumstances: (a) The number of recorded mines / mined areas has represented only 80 percent of the total amount of work to be undertaken; (b) A budget shortfall in 2007 resulted in 100 humanitarian demining workers being removed from operational fronts; (c) Three category-five hurricanes (in 1987, 1988 and 2007) affected all aspects of the demining process. This has been further complicated by recent rainfall patterns that are above historical averages; (d) The topography where mined areas are found is such that there is greater rainfall and deteriorated roads; and, (e) Only part of the 2008 budget is covered.
6. The request projects that, if humanitarian demining can proceed according to plan in 2008 with 29 objectives completed, 19 objectives (containing approximately 7,700 emplaced mines) will remain and will be addressed in 2009. The request indicates that this would involve work being undertaken on five operational fronts with a total of 17 demining teams each comprised of 10 individuals. This would be complemented by one marking detachment and one mechanical demining detachment.
7. The request indicates the use by Nicaragua of impact surveys, technical surveys, manual and mechanical demining, and, quality control. It further emphasises that these activities are undertaken in accordance with international demining norms. In addition, the request indicates that a system of supervising and monitoring demining operations is in place.
8. The request indicates that a total of US\$ 6.5 million is required in 2009-2010 for Nicaragua to complete implementation (in addition to US\$ 1.8 million that is required in 2008). In response to questions posed by the 8MSP President, Nicaragua clarified that the calculations used to determine costs are based on historic records, taking into consideration inflation, and are intended to sustain the current operational structure and to replace demining equipment. The request further indicates that Nicaragua annually since 1997 has invested its own resources into humanitarian demining including through a constant annual contribution of US\$ 1,000,000 since 1999. The request further indicates that Nicaragua intends to invest US\$ 600,000 in 2008, US\$ 1,000,000 in 2009 and US\$ 100,000 in 2010. The analysing group noted that Nicaragua historically has covered approximately one-sixth of the costs of demining and that it intends to do the same during the extension period.
9. The request indicates that in 2009-2010, Nicaragua requires US\$ 5.4 million from international sources. The analysing group remarked that the expectation of international support is consistent with the historical record of support received. The analysing group also noted, however, that the historic level of annual contributions dipped in 2008 and that if this becomes a trend it would pose difficulties for Nicaragua in fulfilling its obligations in the manner outlined in the request. The 8MSP President had asked Nicaragua for clarity regarding its plan for mobilising resources. Nicaragua responded by stating that Nicaragua's national demining authority is making parallel efforts to raise funds to cover the 2008 deficit, that these efforts have ensured financial commitments to partially cover operations in 2008 by various donors through the Organisation of American States, and that proposals for 2008 and 2009 have been submitted to various donors or funding channels for their consideration.

10. The request indicates that there are a significant number of war wounded in Nicaragua. Completing implementation during the extension period will remove landmines as an ongoing threat to the safety of the population. The request further indicates that completing implementation will free a population of 30,000 inhabitants living within five kilometres of mined areas from danger. In addition, the request notes that most of the remaining mines are in protected areas and in a UNESCO World Heritage Site.
11. The request includes other relevant information that may be of use to the States Parties in assessing and considering the request including detailed tables on mined areas and on equipment inventory, and detailed maps and diagrams to assist in understanding the nature of the implementation challenge.
12. The analysing group noted that the proposed one year extension seemed reasonable, although success in implementation is very much tied to securing donor support at a level that has historically been provided to Nicaragua. The analysing group further noted that, as stated by Nicaragua in its request, Nicaragua would be able to complete implementation by the end of 2009.
13. The analysing group noted that given the importance of external support to ensure implementation, Nicaragua could proactively communicate in more detail its strategic plan for implementation to a wider audience. The analysing group additionally noted that after having made a significant investment in supporting Nicaragua since 1997, States Parties in a position to do so need make only a small additional contribution to complete, in a extremely short period of time, Article 5 implementation not only by Nicaragua but also throughout the entire Central American region.
14. The analysing group noted that the detailed accounting of the 47 remaining mined areas would greatly assist both Nicaragua and all States Parties in assessing progress in implementation during the extension period. In this regard, the analyzing group concluded that both could benefit if Nicaragua provided updates relative to this accounting of areas at meetings of the Standing Committees and at the Second Review Conference.