

# Meeting of the States Parties to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction

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## Fourteenth Meeting

Geneva, 30 November-4 December 2015

### Item 2 (c) of the provisional agenda

**Operation and status of the Convention. Presentation,  
reporting, discussion and decision with regard to:  
Conclusions and recommendations related to the mandate  
of the Committee on Article 5 Implementation**

## Observations on the request submitted by the Republic of Niger under Article 5 of the Convention<sup>1</sup>

### Submitted by the Committee on Article 5 Implementation (Ecuador, Ireland, Poland and Zambia)

1. At the 2006 Seventh Meeting of the States Parties (7MSP), the States Parties established “a process for the preparation, submission and consideration of requests for extensions to Article 5 deadlines.” This process includes States Parties seeking extensions being encouraged “to submit their requests to the President no fewer than nine months before the Meeting of the States Parties or Review Conference at which the decision on the request would need to be taken.”
2. At the 2014 Third Review Conference, the newly established Committee on Article 5 Implementation was mandated to “prepare and submit to the States Parties in advance of Meetings of the States Parties or Review Conferences an analysis of each request for an Article 5 extended deadline, taking into account, as relevant, the decisions on the analysis process as agreed to by the Seventh and the Twelfth Meetings of the States Parties”.
3. At the Tenth Meeting of the States Parties, “the Meeting recalled the importance of the timely submission of extension requests to the overall effective functioning of the Article 5 extension process and, in this context, recommended that all States Parties that wish to submit requests do so no later than 31 March of the year when the request would be considered (i.e., the year prior to the State Party’s deadline).”
4. The Convention entered into force for the Republic of 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 additional

<sup>1</sup> Late submission.



information collected, Niger was able to confirm that the presence of anti-personnel mines was no longer suspected.

5. 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.

6. 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.

7. Niger's first request indicated 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 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 specified that some of the localities that were due to be visited by the assessment mission remained inaccessible for security reasons. The request further indicated that the identified minefield totals an estimated 2,400 square metres but that mines may have moved due to sand storms occurring in the region. The minefield was perimeter-marked, fenced and monitored by a military surveillance post. The request also confirmed that Niger identified five other areas with an unknown total area where the presence of anti-personnel mines is suspected, also located in the Agadez region and in the department of Bilma, as well as a number of hazardous roads and paths.

8. The request contained a two-year work plan for the period 2014-2015 outlining activities to clear the minefield located on the Madama military post and to identify the suspected areas through the conduct of a technical survey. The work plan also included mine awareness raising activities and activities to strengthen the capacity of the National Commission for the Collection and Control of Illicit Weapons. While it was foreseen that the technical survey and preparation for demining work would take place in 2014, the actual demining work was planned to take place in 2015.

9. 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 heat and shifting sand, (b) funding of the work plan, and (c) insecurity due to terrorist threats within Niger and at the border between Niger and other countries. The request further indicated that Niger set up a reinforced security team for deminers and was seeking cooperation from the local population.

10. The 13MSP agreed unanimously to grant the request.

11. In granting Niger's request in 2013, the 13MSP:

(a) 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. Also in granting the request, the 13MSP further noted the length of time between the discovery of the mined areas and the start of demining work and that Niger may find itself in a situation wherein it could proceed with implementation faster than suggested by the amount of time requested.

(b) 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 Standard's 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.

(c) also noted that monthly benchmarks for progress contained in the request would greatly assist Niger and all States Parties in assessing progress made in implementation during the extension period. In this context, the Meeting requested Niger to provide updates relative to these benchmarks at meetings of the Standing Committees, Meetings of the States Parties and Review Conferences. The Meeting further requested Niger to keep the States Parties regularly apprised of Niger's national financial and in-kind contribution to implementation, efforts to mobilise external resources and the results of these efforts.

12. Since Niger's request was granted at the 13MSP, Niger provided information to the States Parties on the implementation of the work plan contained in its request at the 2014 meetings of the Standing Committees as well as at the Maputo Third Review Conference.

13. At the 2015 intersessional meetings, Niger indicated that:

(a) further to the conduct of a technical survey, the size of the mined area in Madama is now estimated to be 39,000 square metres, instead of the original 2,400 square metres. An additional area adjacent to the first area in Madama and of an unknown size was discovered.

(b) 60 deminers had been deployed in Madama and started demining in November 2014.

(c) due to the extent of the remaining contamination and due to slow progress in demining, Niger would not be able to fulfil its Article 5 obligations by its 31 December 2015 deadline and would submit another request for extension.

14. On the margins of the 25-26 June 2015 intersessional meetings, the Committee on Article 5 Implementation met with Niger and noted with appreciation that Niger had taken its Article 5 obligations seriously and that it had taken steps to address its problem. The Committee, while noting that Niger had indicated it was preparing a request for an extension, encouraged Niger to submit its request for an extension as soon as possible. On 7 September 2015, the Committee Chair wrote to Niger to recall the agreed process of preparing, submitting and analysing requests and to ask Niger to proceed quickly with the submission of its request so that the analysis process could take place in the traditional spirit of cooperation.

15. 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. Niger's request is for five years until 31 December 2020. The Chair responded to acknowledge receipt of the request and to note that he regretted that the late submission of the request made it impossible for an analysis of it to be prepared in accordance with the agreed process.

### Observations

16. The Committee noted that by requesting a five-year extension, Niger was committing to complete implementation of Article 5, paragraph 1 of the Convention by 31 December 2020.

17. The request indicates, as did the previous request, that Niger's original challenge amounted to one area known to contain anti-personnel mines with a size of 2,400 square metres (Madama) and five other areas suspected to contain anti-personnel mines. The request further indicates that during the conduct of a technical survey in the Madama area in May 2014, the estimated size of the mined 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 also discovered. In addition, the request indicates that the surveys conducted in May 2014 removed the suspicion of the presence of anti-personnel mines in the five areas previously reported to be suspected to contain anti-personnel mines. The request also 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.

18. The request contains a work plan for the period 2016-2020.

19. Niger has been requested by the 13MSP to provide information to the States Parties on the outcomes of survey efforts and how these may affect Niger's remaining implementation challenge and on the activities listed in its work plan 2014-2015. The Committee noted that Niger has regularly provided information on these matters.

20. The Committee noted that Niger submitted a request for an extension on 12 November 2015, well after the established 31 March 2015 deadline for States Parties submitting requests in 2015. For this reason it was not possible for the Committee on Article 5 Implementation to carry out its mandate to prepare an analysis of Niger's request and submit it to all States Parties in advance of the Fourteenth Meeting of the States Parties (14MSP).

21. The Committee further noted that it was regrettable that Niger had not acted in accordance with the process that States Parties collectively agreed to use and that while Niger has provided regular updated information on the implementation of Article 5 to all States Parties and to the Committee on Article 5 when requested, it has not benefited from the cooperative dialogue that could have taken place with the Committee if the process of preparing an analysis of the request could have taken place.