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# 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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## Twentieth Meeting

Geneva, 21-25 November 2022

Item 10(b) of the provisional agenda

**Consideration of the general status and operation of the Convention****Clearing mined areas and mine risk education and reduction: Conclusions and recommendations  
related to the mandate of the Committee on Article 5 Implementation**

## **Reflections on the implementation of mine clearance obligations of States Parties and the Article 5 Extension Process**

### **Submitted by Belgium, on the basis of its experience as President of the Committee on the Article 5 Implementation\***

1. As we celebrate the 25<sup>th</sup> anniversary of the adoption of the Anti-Personnel Mine Ban Convention, it seems timely to reflect on progress achieved by the States Parties regarding implementation of Article 5 obligations and to look ahead to emerging challenges. This reflection could be beneficial as the Twentieth Meeting of States Parties (MSP) of the Convention takes place halfway between the Oslo Fourth Review Conference and the upcoming Fifth Review Conference to be held in 2024.
2. This working paper aims to describe the context in which States Parties have addressed their Article 5 obligations since 2019, as well as to propose some suggestions in order to maintain a high level of efficiency in the implementation of Article 5 of the Convention and the related extension request process led by the aforementioned Committee.

### **I. The Oslo Action Plan in an ever-more challenging context**

3. The Fourth Review Conference adopted, in 2019, the Oslo Action Plan (OAP), which acknowledged that “considerable progress has been made in addressing mined areas” but also reiterated “the need to increase the pace of survey and clearance activities to meet Article 5 obligations as soon as possible to ensure significant progress towards their ambition of completing their time-bound obligations to the fullest extent possible by 2025”.
4. This ambitious Action Plan details the actions States Parties committed to take during the period of 2020-2024 to support the implementation of the Convention, building on the achievements of the Nairobi, Cartagena and Maputo Action Plans. In particular, Actions 18 to 27, contain concrete steps to support States Parties in declaring completion of their Article 5 obligations as soon as possible.
5. At the time of adoption of the OAP, no State Party could have imagined the context in which mine clearance operations would have to be undertaken in the following years. The sudden rise of the COVID-19 pandemic affected the whole membership of the Convention and had massive effects on the implementation of Article 5 by mine affected States Parties.

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\* This document is submitted late due to circumstances beyond the submitter's control.



6. The pandemic has been identified by a majority of affected States Parties as one of the most significant factor for delays in the implementation of Article 5, whether because of suspension of operations and workplans or because of reallocation of technical, financial and human resources.

7. Not only did the pandemic have a negative impact on national financial resources of affected States but it led to a global scarcity of resources to be used in implementation of Article 5. Traditional levels of financing capacities of the majority of donors have decreased and although the level of political commitment to a mine-free world has remained high, the means available to the mine action community to deliver on this commitment have dwindled.

8. The situation the mine-action community faced between 2020 and 2022 might unfortunately return. The well-known effects of climate change, political instability and insecurity may lead to more difficulties to operate in affected areas, reduced financial resources and possibly to new contamination to be addressed. It is therefore critical to make the best of existing tools and mechanisms States Parties have established in order for mine affected States Parties to complete their time-bound obligations as soon as possible. The activities undertaken by the Committee on Article 5 implementation are at the center of this issue.

## II. Using every existing tool to the fullest extent possible

9. For 25 years, the Anti-Personnel Mine Ban Convention has played the prominent role in addressing mine-clearance issues. In order to support affected States Parties that face circumstances requiring them to seek extensions of their Article 5 deadlines, a process has been developed, for the preparation, submission and consideration of requests as we know it today and the Committee on Article 5 Implementation has been mandated to lead this process.

10. Since the Twelfth Meeting of the States Parties where States Parties consider the paper entitled “*Reflections on the Article 5 Extensions Process*”<sup>1</sup> to the adoption of the OAP, the current practice of dealing with extension requests relies on the active involvement of requesting States Parties, members of the Committee, the Implementation Support Unit (ISU), the ICRC and civil society organizations, including mine clearance operators. Within a limited timeframe, these actors engage in a cooperative dialogue in order for the relevant State to present to the MSP or the Review Conference the most accurate request possible and for the Committee to present to the MSP or the Review Conference a comprehensive analysis of the request to support States Parties in taking informed decisions on request for extension submitted by States Parties.

11. Building upon the observations regarding the implementation of Article 5, States Parties have recognized a number of best practices and requirements to be met in order for an extension request to pave the way towards a successful outcome. Four of those best practices and requirements, play a critical role:

(a) Already identified as crucial in the aforementioned working paper, the need for a detailed, costed and multi-year work plan for the extension period, developed through an inclusive process, is fundamental for an extension request to be considered. States Parties, through Action 23 of the OAP have acknowledged this to be required as a necessary element of requests;

(b) In line with Action 24 of the OAP, a Mine Risk Education and Reduction Plan is also acknowledged to be a necessary element of an extension request. This is especially relevant taking into account the challenges faced by numerous affected States Parties confronted with long-lasting contamination of their territory;

(c) The recent practice regarding the extension request process shows that it is not advisable for an affected State to request an excessive amount of time in order to fulfill its obligations. The “*Reflections on the Article 5 Extensions Process*” paper already mentioned that “*it should be expected that requesting States Parties can provide detailed plans for a two to five year period and accepted that it is much more difficult to do so in later years in a*

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<sup>1</sup> APLC/MSP.12/2012/4.

*request. Beyond three to five years, circumstances will change*". These 2012 conclusions can be seconded by recent practice. The global challenging situation mine affected States Parties currently face increases unpredictability. Therefore, States Parties submitting an extension request should be strongly encouraged to apply exclusively for the period of time in which they are able to develop and present a detailed, costed and multi-year workplan with clear milestones for the minimum years absolutely necessary. While this may lead to an increased number of request being submitted, the work plans submitted will be more realistic and measurable;

(d) Faced with the large number of extension requests submitted these last years, a timely submission of an extension request remains a key factor of a well-driven and efficient process. The submission of an extension request by the 31<sup>st</sup> March deadline allows for the Committee to engage in a cooperative dialogue with the submitting State Party as well as to request valuable inputs from relevant civil society organizations and the ICRC. Ensuring submission of an extension request by this deadline maximizes the chances for the request to be of a high quality and therefore, for the decision to be taken during the MSP to be most relevant and useful for the submitting State Party.

### **III. Enhancing the existing process towards continuous efficiency**

12. While the existing process and working methods of the Committee on Article 5 Implementation provide an efficient framework in which affected States Parties can seek support in their endeavors, it is our common duty to always search for improvement. In that regard, and taking into account the current and expected challenges that States Parties face in the implementation of their Article 5 obligations, several paths of enhancement of the work of the Committee can be underlined (without prejudice to any other future insight):

(a) As highlighted on various occasions, the extensive expert input requested by the Committee on Article 5 implementation enables it to better understand and assess the requests, by drawing out key technical, legal and policy issues in requests. While this practice is followed in the initial stage of the extension request process, additional interaction could be beneficial for the Committee to proceed with the final analysis. In this regard, the timely submission highlighted above, is critical. In particular, recommendation 8 of the *"Reflections on the Article 5 Extensions Process"* paper recalls that: *"if additional information or revised requests are provided by requesting States Parties, the analyzing group should consider again drawing upon expert organizations to provide views"*. Acknowledging that following initial engagement with the Committee, requesting States Parties may substantially amended their request or submit additional clarification, additional expert inputs, in a later stage benefits the process;

(b) The pace of implementation of article 5 obligations is intrinsically linked to resource mobilization efforts and capacities of an affected State Party. As hereabove mentioned, national and international mine action resources have been affected by the recent crisis and any additional crisis might again put stress on those capacities. It is therefore crucial to search for synergy where this can be found. In this regard, a transversal approach of the implementation support that can be given to affected States Parties by the machinery of the Convention, is highly valuable. For instance, close cooperation between the Committee on Article 5 implementation and the Committee on the Enhancement of Cooperation and Assistance, as recently experienced under the leadership of the Chair of the 20MSP, can lead to the provision of improved comprehensive support to affected States Parties and to the identification of future candidates of Individualized Approaches. Moreover, an intensification of the collaboration with donors and donor coordination bodies, such as the Mine Action Support Group, could help affected States Parties to ensure an adequate level of funding regarding their workplan and/or extension request;

(c) With more than 30 States Parties still having obligations under article 5 of the Convention and given the current pace of demining activities, it is likely that the number of extension requests to be submitted will remain substantial in upcoming years. States Parties wishing to take up a mandate within the Committee on Article 5 implementation should therefore bear in mind the considerable amount of time and effort that is required to fulfill

this responsibility. Specific attention should be given to strengthening the Committee in order for it to be able to fulfill its mandate in light of the upcoming challenges.

- i. To this end, opening the Committee to two additional States Parties and/or extending the mandates within the Committee to three years could increase the experience of its members and decrease the workload of each of its members.
- ii. Another option could be the creation of an *ad hoc* informal extension request subgroup. This subgroup would be, under the responsibility of the Committee itself, helping it in providing any relevant input. Taking note of the willingness of other States Parties and relevant stakeholders to support the work of the Committee, without being able to fully commit to the work of the Committee, this subgroup could be beneficial in increasing dialogue and supporting the Committee's mandate in developing a high-quality analysis, despite an increase of extension requests submitted.
- iii. Another way to address the foreseeable increase of extension requests to be submitted and analyzed in the upcoming years would be to ensure the implementation of the decisions taken by States concerning the provision of additional resources to the ISU. The importance of the ISU in the extension request process, and in helping the machinery of the Convention has already been recognized for many years. Strengthening its capacities, through increased resources, could therefore allow it to better support the Committee on the Implementation of Article 5. As mentioned, it would also be in line with decision of the 7MSP "*to encourage all States Parties in a position to do so to provide additional, earmarked funds to the ISU Trust Fund to cover costs related to supporting the Article 5 extension request process*" and further highlighted in recommendation 11 of the "*Reflections on the Article 5 Extensions Process*" paper which stated that "*The States Parties should give due regard to their repeated commitments to provide the necessary funding to the ISU to provide the support required by the States Parties*".

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