

Fifth Review Conference 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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Consideration of submissions of States Parties as provided for in Article 5

Observations on the request submitted for an extension of the deadline for completing the destruction of anti-personnel mines in Afghanistan in accordance with Article 5 of the Convention

Submitted by the Committee on Article 5 Implementation: Colombia (Chair), Sweden, Thailand, and the United Kingdom*

1. Afghanistan acceded to the Convention on 11 September 2002. The Convention entered into force for Afghanistan on 1 March 2003. In its initial transparency report submitted on 1 September 2003, Afghanistan reported areas under its jurisdiction or control containing, or suspected to contain, anti-personnel mines. Afghanistan was obliged to destroy or ensure the destruction of all anti-personnel mines in mined areas under its jurisdiction or control by 1 March 2013. Afghanistan, believing that it would be unable to do so by that date, submitted on 29 March 2012 to the President of the Eleventh Meeting of the States Parties (11MSP), a request for an extension of its deadline. On 15 June 2012, the President of the 11MSP wrote to Afghanistan to request additional information. Afghanistan provided a response on 27 June 2012 and subsequently, on 31 August 2012, submitted to the President a revised request for an extension. Afghanistan's request was for ten years, until 1 March 2023. The Twelfth Meeting of the States Parties (12MSP) agreed unanimously to grant the request.

2. In granting the request the 12MSP noted that even with a consistent and sizeable effort having been undertaken by Afghanistan going back even before entry into force of the Convention, Afghanistan faced a significant remaining contamination challenge in order to fulfil its obligations under Article 5. The Meeting further noted that, while the plan presented by Afghanistan was workable and ambitious, its success was contingent upon the findings of survey efforts, stable funding and the challenges posed by the security situation.

3. On 4 July 2022, the Permanent Mission of Afghanistan in Geneva submitted to the Committee on Article 5 Implementation (the Committee) a request for extension of its 1 March 2023 deadline. Afghanistan's request was for two years, until 1 March 2025. The Twentieth Meeting of the States Parties agreed unanimously to grant the request.

4. The request indicated that in Afghanistan's last Article 7 report submitted in 2021, as of 31 December 2020, there were 2,073 confirmed hazardous areas in Afghanistan totalling 148,455,471 square metres based on direct evidence, and 189 suspected hazardous areas totalling 38,852,031 square metres based on indirect evidence. The request further indicated that additional survey is required to acquire a full picture of the remaining challenge.

5. The request indicated that contamination in Afghanistan has a serious humanitarian, social and economic impact on the population. The request further indicated that while

* The present document is being issued without formal editing.

Afghanistan has the necessary experience and a number of stakeholders to address the challenge, it will require continued support from the international community for the successful execution of survey and clearance operation in the remaining affected areas.

6. The request indicated that, unfortunately, due to the complexity on the ground and the current crisis in Afghanistan, Afghanistan was not able to submit an extension request containing information on the remaining challenge and a detailed work plan for addressing the remaining challenge. The request also indicated that Afghanistan was submitting a request for extension of its Article 5 obligations for a period of two years from March 2023 to March 2025 and was committed to working with stakeholders to submit a detailed request for extension by 31 March 2024. The request further indicated that the main purpose of the request for extension was to provide additional time for the situation in Afghanistan to further develop including allowing for more time to understand how the demining sector will develop in Afghanistan in terms of institutional arrangements and continued support from donors.

7. In granting the request the States Parties noted the extraordinary circumstances faced by Afghanistan in presenting a detailed extension request containing a detailed work plan for implementation for the requested extension period. The 20MSP further noted the importance of the request submitted by the Permanent Mission of Afghanistan in Geneva to ensure continued compliance by Afghanistan with the provisions of the Convention.

8. In granting the request, the 20MSP noted the socioeconomic impact of anti-personnel mines in Afghanistan and the importance of continued support by all stakeholders including the de facto authorities and the international community to the achievement of the humanitarian aims of the Convention. The 20MSP further noted that progress in the implementation of Article 5 during the requested extension period had the potential of making a significant contribution to improving human safety and socioeconomic conditions in Afghanistan.

9. In granting the request, the 20MSP noted that with the submission of a request for extension, Afghanistan aimed to allow time for the situation in Afghanistan to develop and, subsequently, once conditions are favourable, for Afghanistan to submit by 31 March 2024 a request for extension containing a detailed work plan for implementation of its obligations under Article 5.

10. The 20MSP noted the importance of Afghanistan developing its request through an inclusive process, taking into consideration the different needs and perspectives of women, girls, boys and men and the diverse needs and experiences of people in affected communities, and including the following information, amongst other:

(a) Detailed, costed and multi-year work plan for the extension period, containing information on progress made, an updated list of all areas known or suspected to contain anti-personnel mines using terminology consistent with the International Standards for Mine Action (IMAS), annual projections of which areas and what area would be dealt with during the remaining period covered by the request and by which organisation, matched to a revised detailed budget based on new funding levels;

(b) Detailed, costed and multi-year plans for context-specific mine risk education and reduction in affected communities that are sensitive to gender, age, disability and take the diverse needs and experiences of people in affected communities into account;

(c) Plans for the establishment of a sustainable national capacity to address previously unknown mined areas, including newly mined areas discovered following completion;

(d) The humanitarian, social, economic, and environmental implications of the extension;

(e) Resources made available to support implementation efforts, including efforts to facilitate operations of international demining organisations and indigenous capacities, and the results of these efforts.

11. In 2024, a request for extension was submitted by Afghanistan. The request is for a period of 5 years, until 1 March 2030.

12. The request indicates that a total of 3,169 mined areas, including areas affected by improvised anti-personnel mines, measuring 176,331,016 square metres remain to be addressed including 3,103 confirmed hazardous areas measuring 159,636,348 square metres and 66 suspected hazardous areas measuring 16,694,668 square meters located in 33 provinces of Afghanistan. The request further indicates that 1'498 suspected and confirmed hazardous areas measuring 347,434,024 square metres are contaminated by other explosive ordnance including anti-vehicle mines and cluster munitions.

13. The request indicates that between 1 April 2013 and 31 March 2023, a total of 16,981 civilian casualties have been recorded of which 8.2% are girls, 38.8% are boys, 8% are women, and 45% are men. The request further indicates that anti-personnel mines and other explosive ordnance continue to block humanitarian access and hinder the livelihood and socioeconomic activities of the affected communities.

14. The request indicates that during the requested period the main focus will be on nationwide survey to acquire a clearer understanding of the extent and scope of contamination by anti-personnel mine and other explosive ordnance. The request indicates that survey will be conducted in areas that were previously inaccessible and that all high priority contaminated areas will be released with a focus on areas contaminated by conventional and improvised anti-personnel mines. Furthermore, the request indicates that during the requested extension period explosive ordnance risk education will be delivered to 3.8 million affected people in 34 provinces as well as 2.5 million returnees in 4 United Nations High Commissioner for Refugees (UNHCR) transit centres. The request also indicates that during the extension period Afghanistan will respond to hotline calls and remove the immediate threat of explosive ordnance to the population. The request includes risks and assumptions in the fulfilment of the work plan.

15. The request indicates that based on the results of comprehensive analysis, USD 52 million per year (USD 256 million over the five-year requested extension period) will be required to implement the plan presented in the request. The request further highlights that two primary funding challenges are available, the Voluntary Trust Fund (VTF) administered by United National Mine Action Services (UNMAS) as well as bilateral agreements by donors made directly or through ITF Enhancing Human Security (ITF) with implementing partners.

Observations

16. The purpose of the Committee on Article 5 Implementation is to, in part, “intensify efforts, particularly those outlined in the Oslo Action Plan to ensure that Article 5 is fully implemented as soon as possible, while acknowledging local, national and regional circumstances in its practical implementation.” Furthermore, the Committee is mandate to, in part, “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.”

17. The Committee acknowledges that, due to the current situation on the ground in Afghanistan and having sought legal and organisational advice from the UN Office of Legal Affairs and the UN Office of Disarmament Affairs respectively, the Committee was unable to proceed with the preparation and submission of an analysis on the request submitted in accordance with the process agreed by the Seventh and the Twelfth Meetings of the States Parties.

18. Nevertheless, the Committee noted the humanitarian and socioeconomic impact of anti-personnel mines and other explosive ordnance in Afghanistan and the importance of continued support by all stakeholders, as well as international actors to achieve the humanitarian aims of the Convention.

19. Taking into account the object and purpose of the Convention, the Committee recommends that the Fifth Review Conference grant Afghanistan a 5-year extension, until 31

March 2030, for the completion of the destruction of anti-personnel mines in mined areas in accordance with Article 5 of the Convention.

20. The Committee emphasizes that these observations should not be construed as tacit or implicit recognition of any entity. The Committee notes that these observations have been drafted in the interest of achieving the humanitarian aims of the Convention and reiterates the importance of delivering essential support to mine affected communities.

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