



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



### Article 5 & the extension request process

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## Article 5



### Each State Party...

- “shall make every effort to identify all areas under its jurisdiction or control in which anti-personnel mines are known or suspected to be emplaced.”
- “shall as soon as possible” ensure that these mined areas “are perimeter marked, monitored and protected by fencing or other means, to ensure the effective exclusion of civilians, until all anti-personnel mines contained therein have been destroyed.”
- “undertakes to destroy or ensure the destruction of all anti-personnel mines in mined areas under its jurisdiction or control, as soon as possible but not later than ten years after the entry into force of this Convention for that State Party.”

### Each State Party may...

- if it believes that it will be unable to destroy or ensure the destruction of all anti-personnel mines in ten years, submit a request for an extension of the deadline for completing the destruction of such AP mines, for a period of up to ten years.



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## Article 5: What does it mean?

Zagreb Progress Report, 2 December 2005:

- The Convention does not contain language that would require each State Party to search every square metre of its territory to find mines.  
(That is, the Convention does not imply an endless search for a supposed “last mine”.)
- The Convention requires, however, the destruction of all anti-personnel mines in mined areas which a State Party has made every effort to identify.  
(The Convention defines a “mine area” as “an area which is dangerous due to the presence or suspected presence of mines.” Your task is to make every effort to identify such areas and to render all of them no longer dangerous.)
- Terms like “mine-free,” “impact-free,” and “mine-safe” do not exist in the text of the Convention and are not synonymous with Convention obligations.  
(These terms might be useful in public communications, but they’re defined inconsistently – if at all, they’re sometimes politically loaded and they certainly are not what the Convention says.)
- The clearance of all mined areas in accordance with Article 5 is part of the Convention’s overall comprehensive approach to putting an end to the suffering and casualties caused by anti-personnel mines, for all people for all time. The totality of the impacts caused by anti-personnel mines should be addressed in the context of the Convention.

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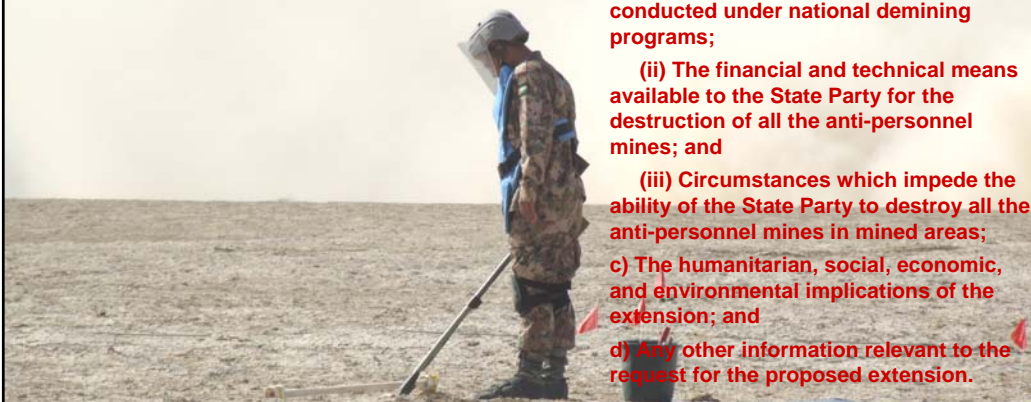


## Article 5: Need more time?

If a State Party believes that it will be unable to destroy or ensure the destruction of all anti-personnel mines within that time period, it may submit a request for an extension of the deadline for completing the destruction of such anti-personnel mines.

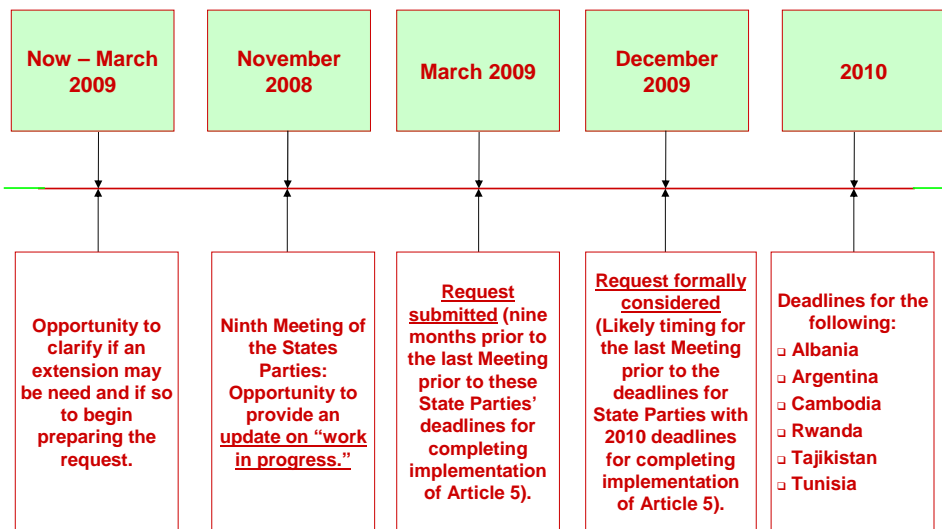
Each request shall contain:

- (a) The duration of the proposed extension;
- (b) A detailed explanation of the reasons for the proposed extension, including:
  - (i) The preparation and status of work conducted under national demining programs;
  - (ii) The financial and technical means available to the State Party for the destruction of all the anti-personnel mines; and
  - (iii) Circumstances which impede the ability of the State Party to destroy all the anti-personnel mines in mined areas;
- c) The humanitarian, social, economic, and environmental implications of the extension; and
- d) Any other information relevant to the request for the proposed extension.





## Article 5: Extensions request calendar



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## Article 5 requests demystified



A request for an extension should provide detailed responses to the following:

- What was the original challenge and what has been done since entry into force?
- What is the result of these efforts and what remains to be done?
- What are the circumstances that impede fulfilment of obligations in a 10 year period?
- What will be done during the period of the extension, where – when – how – resulting in what – at what cost?

Helpful hints:

- Be specific and make sure everything adds up.
- Clarify what you're talking about (e.g., Areas suspected to contain AP mines or areas known to contain AP mines?)
- Explain discrepancies between information provided previously (e.g., Article 7 reports).
- Focus on the task at hand (i.e., Article 5 implementation. There is no need to incorporate matters concerning, for example, Article 4 implementation or victim assistance efforts.)

## Article 5 request: Suggested components



- a one page executive summary
- a detailed narrative
- annexed tables from the template, possibly modified from the voluntary template adopted in 2007
- annexed maps
- a glossary of terms



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## Article 5 request: Suggested narrative outline



1. Origins of the Article 5 implementation challenge
2. Nature and extent of the original Article 5 challenge: quantitative aspects
3. Nature and extent of the original Article 5 challenge: qualitative aspects
4. Methods used to identify areas containing AP mines and reasons for suspecting the presence of AP mines in other areas
5. National demining structures
6. Nature and extent of progress made: quantitative aspects
7. Nature and extent of progress made: qualitative aspects
8. Methods & standards used to release areas known or suspected to contain AP mines
9. Methods & standards of controlling and assuring quality
10. Efforts undertaken to ensure the effective exclusion of civilians from mined areas
11. Resources made available to support progress made to date
12. Circumstances that impede compliance in a 10 year period
13. Humanitarian, economic, social and environmental implications
14. Nature and extent of the remaining Article 5 challenge: quantitative aspects
15. Nature and extent of the remaining Article 5 challenge: qualitative aspects
16. Amount of time requested and a rationale for this amount of time
17. Detailed work plan for the period of the requested extension
18. Institutional, human resource and material capacity available

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## Article 5 request: Plan for extension period



- If necessary, what survey activities will take place when to determine the actual location, size and other characteristics of mined areas?
- How much will be released during each year of the extension period? (e.g., How much area? How many areas? Which areas? How will priorities be established?)
- What methods will be used to release this land?
  - Clearance: What methods and what standards?
  - Technical survey: What methods and what standards?
  - Other land release efforts: What methods and what standards?
- What is the annual cost and for what?
- What are the expected sources of funding / materiel resources to implement the plan?
- What assumptions are made regarding the fulfilment of the plan during the stated period?
- What are potential risk factors that may affect fulfilment of the plan during the stated period?
- What institutions / structures, and to changes to existing ones, will be made to effectively implement the plan?

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## Article 5 extensions: Overview of process



- **November 2005: Zagreb Progress Report – key understandings on Article 5**
- **September 2006: Process adopted for preparing, submitting & analysing requests**
- **February 2007: States Parties with 2009 deadlines begin preparing requests**
- **November 2007: President provides orientation to / advice on the process**
  - Make use of ISU's assistance & use voluntary template pragmatically in preparing request
  - Submit requests electronically to President c/o ISU
  - Requests will be openly available – [www.apminebanconvention.org](http://www.apminebanconvention.org)
  - Analysis of requests should be a cooperative process likely leading to improvements / revised requests
  - Final versions of requests need to be ready by early September with an executive summary containing overview of all information necessary for an informed decision.
  - There is a need to adapt 9MSP Programme; No need to adapt rules of procedure.

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## Article 5 extensions: Status of process

- **March 11, 2008: States Parties mandated to analyse agree on methods**
  - A “pre-analysis” role for Mine Clearance Co-Chairs and Co-Rapporteurs
  - Discussions on acquiring expert advice; conflicts of interest; content / form of analysis
  
- **March 26 – April 7, 2007: Requests submitted**
  - Bosnia and Herzegovina      ○ Senegal
  - Denmark                      ○ Thailand
  - Ecuador                        ○ Venezuela
  - Jordan                         ○ Yemen
  - Senegal Nicaragua        ○ Zimbabwe
  - Peru
  
- **April 2007: Requests expected**
  - Croatia
  - Mozambique

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## Article 5 extensions: Analysis of requests

- **April 8, 2008: Mine Clearance Co-Chairs and Co-Rapporteurs begin pre-analysis**
  - Initial determination of the completeness of requests
  - Recommendations to President on obtaining additional information
  - President requests additional information from requesting States Parties
  
- **April 29-30, 2008: States Parties mandated to analyse begin doing so**
  - Effort to review requests considered generally complete begins
  
- **April – August, 2008: Cooperative process to clarify issues**
  - Analysing group continues its work
  - Requesting States Parties enhance their requests
  
- **August / September 2008: Documents submitted for 9MSP**
  - President submits analysis
  - Requesting States Parties submit final versions with an executive summary containing an overview of information necessary for a decision

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## Article 5 extensions: Consideration of requests



November 24-28, 2008: Ninth Meeting of the States Parties (proposed)

- Informal session near the beginning of the meeting for States Parties to present requests, for 8MSP President to present analysis, and, for questions & answers.
- Following this, the 9MSP proceeds with the rest of its business, thus allowing interested delegations to informally discuss requests.
- Near the end of the meeting, 9MSP reverts to formal consideration of requests.
- Decisions taken by a majority of States Parties present and voting.

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## Article 5 extensions: Consideration of requests



- Each individual State Party will apply its own individual set of criteria in analysing and considering requests submitted.
- Some elements that many States Parties will want to see in requests are:
  - An accounting of all “mined areas”, what has been done with them and what remains to be done.
  - A sophisticated approach to a projection of the amount of time and money required.
  - A realistic but not unambitious approach taken with respect to the amount of time requested.

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**STATES PARTIES' REQUESTS FOR EXTENSION**

List of Countries

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- Bosnia and Herzegovina
- Croatia
- Denmark
- Ecuador
- Jordan
- Mozambique
- Nicaragua
- Peru
- Senegal
- Thailand
- Venezuela
- Yemen
- Zimbabwe

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Thank you!



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