



COMPLETION IN 2025? IN 2030? IN OUR LIFETIME?

DISCUSSION PAPER ON IMPLEMENTATION OF ARTICLE 5 OF THE MINE BAN TREATY

June 2021

This paper presents the current status of the implementation of Art. 5 obligations under the Mine Ban Treaty, as of June 2021. It presents key findings and concerns and offers recommendations, with the aim of spurring and informing a discussion to identify effective solutions to address the current challenges.

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MAJOR FINDINGS AND CONCLUSIONS

HUMAN COST OF DELAYED CLEARANCE - CASUALTIES AND SUFFERING THAT COULD HAVE BEEN PREVENTED:

- Over 36,000 casualties were recorded in States Parties with ongoing clearance obligations during their original 10-year Article 5 deadline under the treaty. Another 26,000 casualties have been recorded to date in States Parties following their 10-year deadline.
- More than two-thirds of *all* casualties reported in 2019 were in States Parties.
- Further delays and deadline extensions in land clearance result in additional suffering and casualties that could be avoided - undermining the very purpose of the treaty.

NON-CLEARANCE AND NON-REPORTING - STILL ACCEPTABLE:

- Legal obligations and political commitments with respect to land clearance do not match the action on the ground. Clearance of contamination is not approached with the urgency it requires and the overall pace of clearance has been disappointingly slow.
- Four States Parties (Eritrea, Ethiopia, Niger and Senegal), with repeatedly extended Art. 5 deadlines, represent serious compliance concerns, having conducted little to no land clearance for a prolonged period of time. This includes non-clearance of contamination around military installations (Niger and Senegal), as well as along borders (Eritrea and Ethiopia), which may amount to potential breach of the treaty's Art. 1.
- At least five affected States Parties (Cameroon, Eritrea, Mali, Niger and Nigeria) have failed to provide updates on implementation of their Art. 5 obligations, through Art. 7 reporting, for two or more consecutive years.
- One State Party (Eritrea) remains in non-compliance, having failed to submit a request to extend its Art. 5 deadline, in addition to its prolonged non-clearance and non-reporting.

EXTENT OF CONTAMINATION VERSUS TIME ACCORDED FOR CLEARANCE DO NOT TALLY:

- The extent of existing contamination does not appear to be the determining factor in the amount of time a country has taken - or continues to take - to clear its contaminated land.
- On average, States Parties with small contamination have taken almost the same amount of time to clear land as those where contamination is considered massive.

MISSED DEADLINES AND EXTENSIONS - A NORM, NOT AN EXCEPTION:

- Overall affected States Parties are not held to account, either internally or externally, to make all efforts to implement Art. 5 obligations "as soon as possible" or at least in a timely manner, disrespecting their own deadlines. As a result, clearance work remains perpetually behind schedule.
- Only 20 States Parties have completed their clearance obligations under Art. 5 *within* the original 10-year treaty deadline.
- 39 States Parties requested and have been granted an overall total of 81 extensions to deadlines under Art. 5. Further extensions are expected in 2021 which will likely bring the number of extensions close to 90 by some 40 States Parties.
- Missing Art. 5 deadlines and their further extension have become business as usual. Extensions are requested too often, by too many States Parties.

- There are no clear criteria for decision-making on extension requests and many, including incomplete requests, are granted too easily. This can undermine the ultimate success of the treaty.
- Currently, only a handful of States Parties are likely to meet the goal of completing their Art. 5 clearance obligation by 2025. If current trends and pace continue, many States Parties will not have completed their clearance for many more years to come, and some for decades.

MINE ACTION FUNDING AND DONOR COORDINATION:

- Between 2010–2019, more than US\$5 billion were allocated by international donors to mine action, nearly half of which went to clearance. Most of the funding was directed towards very few countries, strongly favoring those with massive and new contamination.¹
- Many affected States Parties have failed to develop and/or implement resource mobilization plans for completing their Art. 5 obligations, while citing lack of resources as one of the key factors hindering clearance progress.
- Only eight affected States Parties reported providing national support for their own mine action programs in 2019.
- Lack of donors' direct engagement and follow-up with national authorities of recipient states, or exclusive liaison through international mine action operators, misses opportunities for promoting and endorsing national ownership.

BACKGROUND

LAND CLEARANCE: TO PUT AN END TO THE SUFFERING AND CASUALTIES

In 1997, states “*determined to put an end to the suffering and casualties caused by anti-personnel mines*” adopted the groundbreaking Mine Ban Treaty to achieve this goal.

Since the treaty's entry into force in 1999 the global number of casualties has gradually but significantly gone down, from tens of thousands at the end of the 1990s to a few thousand recorded worldwide annually in recent years.

However, every casualty is one too many. As long as landmines remain in the ground, the suffering will continue. Delay in land clearance entails human costs. Too many lives and limbs are still being lost to landmines - each day, year after year.

LAND CLEARANCE: A LEGAL TIME-BOUND OBLIGATION

Under Article 5 of the Mine Ban Treaty each affected State Party has an obligation to clear “*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*” and to “*make every effort to identify all areas under its jurisdiction or control in which anti-personnel mines are known or suspected to be emplaced.*”

Should a State Party be unable to clear all its known contamination within the original treaty deadline, it may, under Article 5, request an extension to its clearance deadline for a period of up to 10 years, which may be further extended by a meeting of States Parties.

While States Parties have a right under the treaty to request additional time to clear their contamination, they also have an obligation to clear “*as soon as possible*”. The 10-year timeframe adopted under the treaty was considered sufficient to clear contamination in all but the most severely-affected States Parties. The Article 5 deadline extensions were expected to be the exception, relevant only for a handful of states faced with massive contamination, and where it was clear from the onset that more time would be required.

¹ Monitor Factsheet 2021: Mine Action Funding Trends

LAND CLEARANCE: A POLITICAL TIME-BOUND COMMITMENT

In 2014, at the Third Review Conference in Maputo and 15 years since the treaty entered into force, States Parties committed to “intensify our efforts to complete our respective time-bound obligations with the urgency that the completion work requires.” They adopted an aspirational goal “to meet these goals to the fullest extent possible by 2025.”²

Twenty years after the treaty’s entry into force, in 2019, at the Fourth Review Conference in Oslo, States Parties reiterated their commitment to meeting the 2025 completion goal. With this in mind they adopted the Oslo Action Plan (OAP) 2019–2024 to “be an essential tool towards the fulfilment of this ambition.”³ Under the OAP’s section on Survey and Clearance of Mined Areas, States Parties made very specific time-bound commitments:

- Action#18: to establish accurate baselines of contamination by the Nineteenth Meeting of States Parties in 2021;
- Action#19: to develop evidence-based and costed national work plans with annual projections “to achieve completion as soon as possible, and no later than their Article 5 deadline, to be presented at the Eighteenth Meeting of the States Parties in 2020”;
- Action#20: to “annually update their national work plans based on new evidence and report on adjusted milestones in their Article 7 reports by 30 April each year.”⁴

Furthermore, states have committed to the *2030 Agenda for Sustainable Development* and its 17 Sustainable Development Goals (SDGs). Mine action, and in particular land clearance, directly and indirectly contributes to the achievement of many of the SDGs and plays a critical role in enabling progress towards these goals. Failure to complete the clearance of landmines in this crucial Decade of Action⁵ will hinder development and leave mine affected communities and the growing number of victims behind. It will significantly impact on the ability of states to meet the 2030 Agenda and the SDGs.

ART. 5 CLEARANCE CURRENT STATUS: A LONG WAY TO GO

As of today, some 22 years since the treaty’s entry into force, 31 States Parties have fulfilled their Art. 5 obligations to clear all their antipersonnel mine contamination. At least a further 32 States Parties⁶ remain contaminated and have yet to fulfill their clearance obligations.

Some States Parties with outstanding Art. 5 obligations have made impressive progress, but only a handful are on track to meet their current deadlines or the 2025 aspirational deadline. Several States Parties have had their Art. 5 deadlines extended already beyond 2025,⁷ with several others likely to join this growing group soon.

While deadline extension is justifiable in the case of several States Parties with massive contamination and/or security or access challenges, it appears that many others have failed to respect their obligation to clear land “as soon as possible.” Despite improvements in survey and clearance techniques over the past twenty years, a majority of affected States Parties, including those with small to medium amounts of contamination, continue missing their Art. 5 deadlines and requesting further extensions. This trend of delayed implementation has become widely accepted by States Parties.

KEY CONCERNS IN DETAIL

HUMAN COST OF DELAYED CLEARANCE – CASUALTIES AND SUFFERING THAT COULD HAVE BEEN PREVENTED

² MAPUTO +15 Declaration 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, adopted 27 June 2014.

³ Oslo Declaration on a Mine Free World, adopted on 29 November 2019.

⁴ Oslo Action Plan, adopted on 29 November 2019.

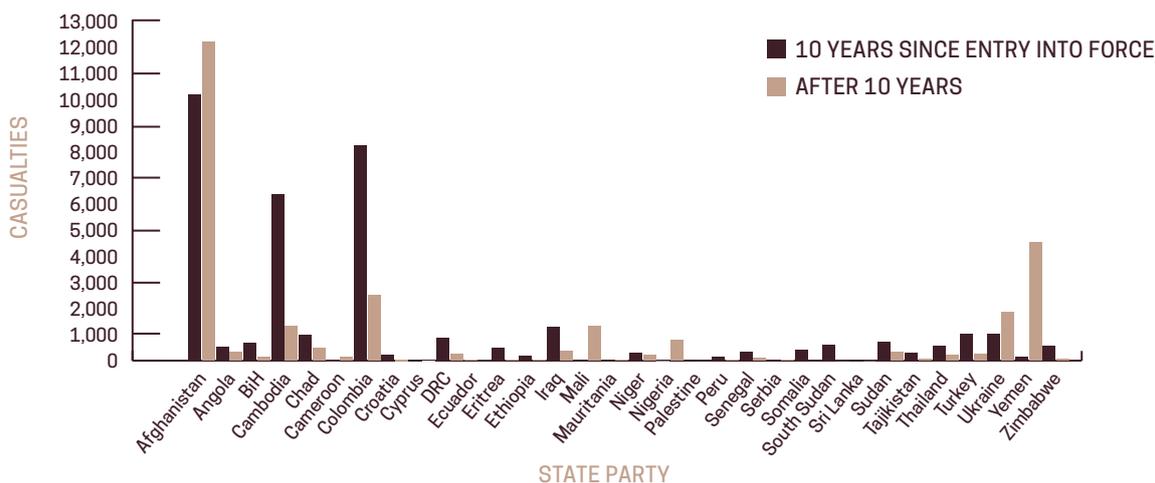
⁵ UN Decade of Action, <https://www.un.org/sustainabledevelopment/decade-of-action/>

⁶ There are other affected States Parties that have not declared/reported on their contamination and are not included in this list, such as Cameroon and Mali.

⁷ States Parties with Art. 5 deadlines past 2025: BiH, Croatia, Iraq, Senegal, and South Sudan. In addition, Palestine and Sri Lanka have their original treaty deadlines in 2028.

According to the Landmine Monitor, the global number of casualties of mines and ERW since the treaty entered into force is over 130,000. More than 85,000 of those casualties occurred in States Parties to the Mine Ban Treaty, with current clearance deadlines, while they have been States Parties. A total of over 36,000 casualties were recorded in States Parties during the original ten-year Art. 5 deadline period under the treaty. Another 26,000 casualties have been recorded to date in States Parties, after their 10-year deadline. This demonstrates the human cost of mines/ERW and speaks strongly against further delays in clearing contamination and extending deadlines.

Mine/ERW casualties in States Parties with Article 5 deadlines or undeclared Article 5 obligations: in the first ten years since the treaty's entry into force for each State Party, and after (based on Landmine Monitor data):



There is a clear overall trend of declining annual casualties in most States Parties over the 20 years, since the Mine Ban Treaty came into existence. This trend is particularly evident in most of the countries which reported the highest casualty figures after the treaty entered into force in 1999, with the notable exception of Afghanistan.

Yet, annual global casualties recorded in 2019 (the latest available data) still remained at a deplorably high-level, at more than 5,000. Civilians represented 80% of all casualties.

More than two-thirds of all casualties in 2019 were reported in States Parties. A number of States Parties, including those with a significant annual number of casualties recorded, particularly from improvised mine incidents (**Cameroon, Mali, Nigeria**), do not even have a mine action program, or an understanding of the extent of the problem, and no clearance has been taking place.⁸ In other States Parties with ongoing casualties, land clearance has been very slow.⁹

NON-CLEARANCE AND NON-REPORTING – WHY IS THIS STILL ACCEPTABLE?

Of particular concern are cases of affected States Parties with extended deadlines, where very little to no land clearance has taken place for a prolonged period of time (**Eritrea, Ethiopia, Niger, and Senegal**). The continued lack of clearance of contamination around military installations in Senegal and Niger, as well as along the border between Eritrea and Ethiopia, over many years, suggests that those states may be deriving military utility from the emplaced mines.

These situations constitute serious compliance concerns, and should be urgently addressed by the treaty President and the Committee on Cooperative Compliance.

Both Niger and Senegal have small levels of contamination which could be cleared within two years or so, yet both have been granted repeated extensions for a combined total of nine years for Niger (current deadline 2024) and a combined total of 17 years for Senegal (current deadline 2026).

⁸ The following States Parties with a significant number of annual casualties do not have a mine action program: Mali (345 casualties in 2019), Nigeria (239 casualties in 2019), and Cameroon (43 casualties in 2019).

⁹ For instance, Angola (76 casualties in 2019) has had Art. 5 obligations since 2003, Niger (47 casualties in 2019) has had Art.5 obligation since 1999, and DRC (42 casualties in 2019) has been clearing its small contamination since 2002.

Similarly, urgent action is needed vis-à-vis **Eritrea**, which remains in non-compliance with the treaty by virtue of having failed to submit a request to extend its Art. 5 deadline, in addition to its prolonged non-clearance and failure to file Art. 7 reports.

As of May 2021, at least five mine-affected States Parties have failed to provide information for two or more consecutive years, through Art. 7 reports, on implementation of their Art. 5 obligations: **Eritrea (7 years), Niger (3 years), and Nigeria (9 years), as well as Cameroon (12 years) and Mali (16 years)**. Both Cameroon and Mali urgently need to report on the nature of new contamination and to establish national mine action programs. Mali accounts for a significant number of new casualties; in 2019 it had the second greatest number of casualties among States Parties (after Afghanistan), and needs to clarify the extent to which it is impacted by antipersonnel mines of an improvised nature.

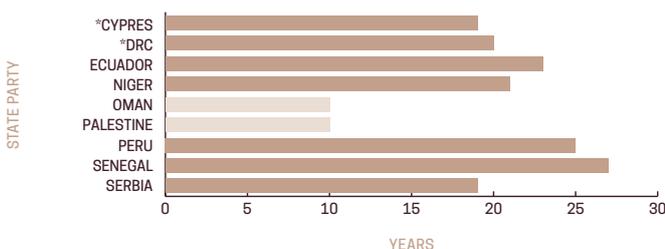
Despite expansion of the mandate of the Committee on Cooperative Compliance to address matters related to compliance with Art. 5 implementation and reporting¹⁰, and the President’s new role in this regard – as per the so called ‘early warning mechanism’ in Action#49 of the OAP¹¹ – few compliance concerns related to implementation of Art. 5 have been acted upon with the required urgency.

EXTENT OF CONTAMINATION VERSUS TIME ACCORDED FOR CLEARANCE – DO NOT TALLY

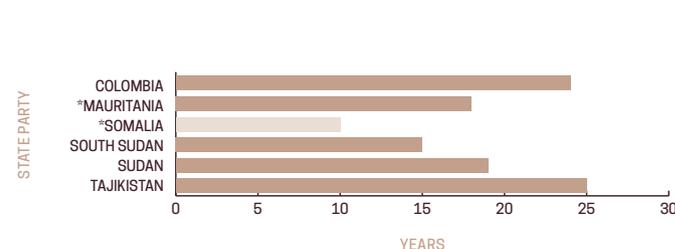
The extent of contamination¹² in States Parties with remaining Art. 5 obligations and the total time period accorded for completion of clearance obligations (the sum of the 10 years from the entry into force and additional time granted as extension periods) do not tally. Analysis shows that similar amounts of time have been requested and granted under Art. 5 extensions to States Parties, regardless of whether their contamination is small, medium, large, or massive.

*Total years accorded (including the 10 years from entry into force and additional time granted as extension periods) for clearance by current States Parties with ongoing Art. 5 obligations versus the extent of contamination (based on Landmine Monitor data): *indicates States Parties that have or are expected to request further extensions in 2021. Light pink indicates States Parties that are still within their original treaty deadline.*

CONTAMINATION: SMALL



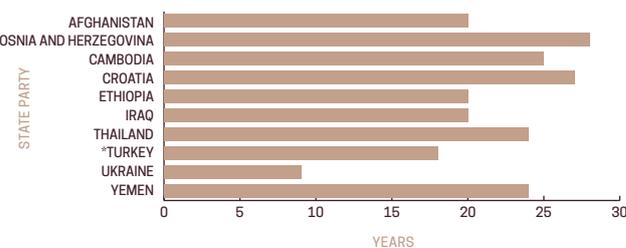
CONTAMINATION: MEDIUM



CONTAMINATION: LARGE



CONTAMINATION: MASSIVE



¹⁰ By the decisions adopted at the treaty’s 4th Review Conference in 2019, the mandate of the Committee on Cooperative Compliance was amended “to also address all matters under Article 1.2 of the Convention (‘to destroy or ensure destruction of all antipersonnel mines’) in cases where a State Party has not submitted an Article 7 report detailing progress in implementing relevant obligations each year.”

¹¹ Action#49 reads as follows : “Any State Party implementing obligations in particular under Article 4 or 5, (...) that has not submitted an Article 7 report detailing progress in implementing these obligations each year will provide in close cooperation with the ISU an annual update on the status of implementation in line with Article 7 and will provide information to all States Parties in the most expeditious, comprehensive and transparent manner possible. If no information on implementing the relevant obligations for two consecutive years is provided, the President will assist and engage with the States Parties concerned in close cooperation with the relevant Committee.”

¹² The Landmine Monitor classifies extent of contamination as Massive (>100km²), Large (20–99km²), Medium (5–19km²), and Small (<5km²).

Average total years accorded* for clearance by States Parties with ongoing Art. 5 obligations, which have not met their original Art. 5 deadline, and have been granted extensions:

Extent of contamination	# of States Parties with extended Art. 5 deadlines	Average total of years accorded
Massive (>100 km ²)	10	21.5
Large (20–99km ²)	4	23
Medium (5–19km ²)	5	20.2
Small (<5km ²)	9	22

*(including the 10 years from entry into force and additional time granted as extension periods)

As the charts and table above demonstrate, the amount of time accorded for completing clearance does not correspond with the extent of contamination. Of particular concern is the amount of time requested by – and given to – States Parties with small contamination, who have not only been unable to complete clearance within their original 10-year deadline but have also been granted a similar average amount of additional time as those with a massive extent of contamination.

In addition, there are several other States Parties, some with a significant number of casualties such as **Mali** (345 casualties recorded in 2019), **Nigeria**¹³ (239 casualties recorded in 2019), and **Cameroon** (43 casualties recorded in 2019), which have not yet clarified their contamination. Both Cameroon and Mali have yet to request an extension of a deadline for clearance under Art. 5.

Also noteworthy is the fact that clearance operators have said on numerous occasions, that with the exception of a handful of States Parties with massive contamination, all others should be in a position to clear their existing contamination within the next few years, and by 2025.

MISSED DEADLINES AND EXTENSIONS – A NORM, NOT AN EXCEPTION:

Of the 63 States Parties that reported mined areas under their jurisdiction and control, to date only 20 have completed their clearance obligations under Art. 5 within the original 10-year treaty deadline.¹⁴ There are four States Parties (Oman, Palestine, Somalia, and Sri Lanka) with obligations under Art. 5 that are still within their original treaty deadline.

All other affected States Parties have requested and been granted, often multiple times, extensions to their Art. 5 deadlines. Since 2008, when the first extensions were approved, through the end of 2020, a total of 39 States Parties requested and were granted a total of 81 extensions to Art. 5 deadlines. Further extensions are expected in 2021, which will likely bring the number of extensions close to 90, by at least 40 States Parties.¹⁵

Out of the 39 States Parties with Art. 5 obligations that have been granted deadline extensions, only twelve have achieved completion to date,¹⁶ and a further 27 have yet to fulfill their obligations.

The analysis¹⁷ of Art. 5 deadline extension requests granted from 2008 to 2020, presents rather alarming trends in regard to deadline extension request content, analysis and granting. Based on the findings, 70% of all requests granted so far did not include a complete work plan and/or reflect understanding of the scope of remaining contamination by a requesting State Party.

¹³ In 2020 Nigeria was granted a one-year interim extension to carry out survey and to prepare a comprehensive request for a new Art. 5 deadline.

¹⁴ These included: Albania, Bulgaria, Bhutan, Burundi, Costa Rica, Djibouti, France, Gambia, Germany, Greece, Guatemala, Honduras, Hungary, Malawi, North Macedonia, Rwanda, Suriname, Swaziland, Tunisia, and Zambia.

¹⁵ As of May 2021, draft requests for deadline extension have been submitted by four States Parties: Cyprus, Nigeria, Somalia and Turkey. Further requests were pending from: DRC, Eritrea, Guinea-Bissau, and Mauritania.

¹⁶ States Parties with extended deadlines that completed Art. 5 obligations as of March 2021: Algeria, Argentina, Chile, Denmark, Guinea-Bissau, Jordan, Mozambique, Nicaragua, Republic of Congo, Uganda, United Kingdom, and Venezuela.

¹⁷ "Analysis of (81) Article 5 Extensions From 2009 through the 18th MSP (2020)", June 2021, by Peter Herby, Consultant on Humanitarian-based Arms Control and Disarmament.

Since the start of the process of deadline extensions in 2008, many lessons have been learnt and applied. The treaty's Committee on Article 5 Implementation and the Implementation Support Unit (ISU) have liaised extensively with and supported States Parties in preparation of their extension requests, including processing and providing feedback on numerous, often very lengthy and dense, requests.

Since the adoption of many of the recommendations in the paper “Reflections on the Article 5 Extensions Process”¹⁸ at the Twelfth Meeting of States Parties in 2012, extension requests for the maximum period of ten years have been strongly discouraged. Shorter, more realistic, detailed, and focused requests have been favored, including interim requests, aimed at achieving baselines of contamination to enable further realistic planning.¹⁹

Despite these efforts, missing an Art. 5 clearance deadline and extending it further – something that was meant to be an exception - has become the rule. Further, all requests thus far – regardless of whether complete and comprehensible – have continued to be granted year after year.

The repeated extension of clearance deadlines does facilitate States Parties' *formal* compliance with Art.5. However, it appears to weaken incentive to achieve completion “*as soon as possible*”.

MINE ACTION FUNDING AND DONOR COORDINATION: WHO PAYS THE BILL AND WHERE DOES THE MONEY GO?

According to the Monitor, global support to mine action between 2010–2019 amounted to \$US 6.6 billion. International donors provided \$5.2 billion (79%) in international support and affected states contributed \$1.4 billion (21%) to their own mine action efforts.²⁰

In the last decade, nearly half of all international support (\$2.3 billion) went toward clearance activities. Some \$312 million (56%) of international funding provided to mine action in 2019 alone was allocated to mine clearance and risk education.²¹

Between 2010 and 2019, 41% of all international support went to the top 10 recipient States Parties: Iraq, Afghanistan, Cambodia, Colombia, Croatia, Angola, Somalia, South Sudan, BiH, and the Democratic Republic of the Congo.

The top 10 States Parties with remaining Art. 5 obligations, that received the largest contributions dedicated specifically for land clearance between 2010-2019 are as follows (based on Landmine Monitor data):

State Party	Entry into Force Date	Extent of contamination ²²	Total amount in \$US million received 2010-2019
Afghanistan	2003	Massive	332.7
Iraq	2008	Massive	273.5
Croatia	1999	Massive	161.3
Cambodia	2000	Massive	156.8
Angola	2003	Large	116.6
BiH	1999	Massive	83.7
Colombia	2001	Medium	71.2
Somalia	2012	Medium	65.3
DRC	2002	Small	58.5
South Sudan	2011	Medium	53.2

¹⁸ “Reflections on the Article 5 Extensions Process” adopted at the Twelfth Meeting of States Parties, 3–7 December 2012.

¹⁹ For instance, this approach was recently applied in the cases of requests by BiH, Mauritania, Nigeria and Ukraine, among others.

²⁰ This includes national funding reported by affected states not party to the Mine Ban Treaty.

²¹ Monitor Factsheet 2021: Mine Action Funding Trends

²² The Landmine Monitor classifies extent of contamination as Massive (>100km²), Large (20–99km²), Medium (5–19km²), and Small (<5km²).

The 10 States Parties with remaining Art. 5 obligations that received the least funding dedicated to clearance between 2010-2019, are as follows (based on Landmine Monitor data):

State Party	Entry into Force or discovery of new contamination date	Extent of contamination	Total amount in \$US million received 2010-2019
Cyprus	2003	Small	0.3
Niger	2012	Small	0.3
Eritrea	2002	Large	0.5
Palestine	2018	Small	1.3
Ecuador	1999	Small	2.2
Peru	1999	Small	4.3
Mauritania	2001	Medium	5.5
Thailand	1999	Massive	6.3
Mali	2017	Unknown, likely significant	8.1
Senegal	1999	Small	8.4

A number of the States Parties, which received the least funding, have limited contamination, and a relatively small amount of extra support could help them to achieve completion very soon.

Many affected States Parties have failed to develop and/or implement resource mobilization plans aimed at securing resources for completing their Art. 5 obligations, while citing lack of resources as one of the primary factors that prevented them from realizing their implementation plans.

Further, the Monitor identified only eight affected States Parties that reported providing national support (a total of \$80.4 million) for their own mine action programs in 2019: Afghanistan, Angola, BiH, Cambodia, Chile, Colombia, Croatia and Zimbabwe.²³

There have been numerous efforts carried out to ensure the needs for support are known and matched with available resources, including through the individualized approach facilitated by the treaty's Committee on the Enhancement of Cooperation and Assistance, as well as through the country coalitions. Some of these efforts have turned out to be successful, long term endeavors and contributed to advancing fulfilment of Art. 5 obligations, while others did not go beyond the initial meeting.

While it is understandable that donor fatigue grows over the years, there remains a great need for donors to continue to support and engage with affected States Parties and to coordinate with each other to ensure available resources are efficiently and effectively distributed across all States Parties in need of assistance to meet their Art. 5 obligations. This includes States Parties with small or medium contamination and with legacy contamination. Donors' funding decisions should aim at both addressing humanitarian impact and promoting timely completion of Art. 5 obligations by as many States Parties as possible.

Additionally, donors do not always directly engage and follow-up with national authorities of recipient states, but rather through international mine action operators. A direct and sustained engagement – ideally a close partnership – with national authorities of recipient countries promotes and endorses greater national ownership and contributes to better efficiency and results.

²³ Landmine Monitor 2020, Support for Mine Action. This amount might be higher as very few affected states provided details on this aspect.

RECOMMENDATIONS FOR ACTION

The Mine Ban Treaty community needs to urgently take stock of the trend of delayed and slow land clearance by a large number of States Parties, and on the consequences of this delay. It is time to rethink and adapt current practices, decisions, and actions to effectively address these dangerous trends and put the implementation of Art. 5 back on track.

Below is a list of initial recommendations for discussion and consideration.

I. CASES OF NON-CLEARANCE AND/OR NON-REPORTING

- 1) All cases of non-implementation of Art. 5 over two or more years and/or lack of transparency reporting on such implementation should be acted upon with urgency by the Committee on Cooperative Compliance (as per its expanded mandate), and by the President equipped with special responsibilities through the 'early warning mechanism' adopted in Action#49 of the Oslo Action Plan.
- 2) The President should make use of the so-called early warning mechanism adopted in Action#49 of OAP to engage and assist States Parties with serious concerns over their implementation of Art. 5, to bring it back on track and to avoid any potential cases of non-compliance in this regard.
- 3) Enhanced targeted efforts, including through presidential action under OAP Action#49, should be undertaken vis-à-vis States Parties who have new contamination but have failed to declare and report on it, to ensure their speedy re-engagement with the treaty and implementation of Art. 5.
- 4) A special envoy on implementation of Art. 5, ideally at high level with credible experience in mine action, should be considered to support the implementation work of Art. 5, in particular in States Parties where efforts have been stalled and where awareness raising and re-engagement at a higher level could make a significant difference.

II. ART. 5 DEADLINE EXTENSION REQUEST PROCESS:

The process of preparation, analysis and approval of deadline extension requests needs to be re-visited and re-framed with the aim of fostering genuine ownership of the process by all States Parties, civil society and expert organizations, in order to enhance timely completion of Art. 5 obligations.

States Parties should consider and agree on the following decisions and practices:

- 5) The extension requests preparation, analysis, recommendation and granting process needs to be made more transparent and rigorous, including through adoption of clear criteria for decision making (such as some of those listed below) on the requests;
- 6) Extensions should be granted strictly for the period for which a State Party has presented a clear, detailed, and costed annual survey and/or clearance plans, as required by OAP Action#23. For instance, if a State Party requests five years but presents a work plan for only three, it should be granted an extension of only three years.
- 7) Extensions of up to *one year only* should be granted in the absence of any of the following:
 - a detailed, multi-year and costed clearance plan, as required by OAP Action#23;
 - a detailed, multi-year, and costed plan for context specific mine risk education, as required by OAP Action#24;
 - a resource mobilization plan, as requested by OAP Action#43.

- 8) Extensions of no more than one or two years should be granted if a State Party has had a clearance obligation for more than ten years and still has not established an evidence-based, accurate baseline of contamination, as required by OAP Action#18. This criteria would not apply where the State Party has undertaken all possible efforts in this regard, and where security conditions have made access and survey impossible.
- 9) In cases where a request includes a detailed work plan that is not funded, the extension granting decision should commit the concerned State Party to collectively work with the Committee on the Enhancement of Cooperation and Assistance and donor States Parties to ensure the development and implementation of a resource mobilization plan to generate adequate national and/or international funding. In such cases, an interim extension of one year would be granted.
- 10) The Committee on Art. 5 Implementation should consider whether any additional guidance or tools are needed to better support States Parties in their process of developing requests for their Art. 5 deadline extension. In particular, to ensure that States Parties have a full understanding of key elements and information that are required in extension requests.
- 11) The work of the Committee on Art. 5 Implementation, in particular in regard to the extension request process, should be further strengthened and supported. Other members of the Coordinating Committee, in particular the Committee on the Enhancement of Cooperation and Assistance, as well as expert members such as ICRC, GICHD, the ICBL and clearance operators working in the country, should be included in the analysis, feedback and recommendations phases, to make the process more inclusive and open.²⁴

III. MINE ACTION FUNDING AND DONOR COORDINATION:

- 12) Donor states should closely and directly engage and follow-up with affected states they support with funding, and not limit their engagement to liaising through international NGOs. Such direct and sustained engagement would enhance national ownership, respect for clearance deadlines, and efficient delivery of clearance results aimed at achieving completion as soon as possible.
- 13) Donor states should coordinate more closely among themselves in order to ensure all priorities and funding gaps are identified and covered in the most efficient and effective manner. Donors should ensure funding is equally available for States Parties whose extent of contamination is small and who could reach Art. 5 completion in a short time, as well as those with massive and new contamination. Donor funding decisions should aim to address both urgent humanitarian impacts, and timely completion of Art. 5 obligations by as many States Parties as possible. Donors should recognize and remunerate complete, quality Art. 5 extension requests and work plans.
- 14) Efforts under the individualized approach should be reflected upon and adapted to promote long-term, deeper engagement and follow-up aimed at establishing closer cooperation between affected State Parties, donors and partners, to effectively address key challenges and achieve tangible progress on implementation.



²⁴ Currently expert observers to the Coordinating Committee and operators are invited to provide initial feedback on draft request but are not included in any further process of analysis and consideration of the requests, as is for instance the practice in regard to extension requests considered under the Convention on Cluster Munitions and as was previously under the Mine Ban Treaty.