

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



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Article 5

Each State Party undertakes 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.”

“ensure as soon as possible that all anti-personnel mines in 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.”

“destroy or ensure the destruction of all anti-personnel mines in mined areas under its jurisdiction or control, as soon as possible but no later than ten years after the entry into force of this Convention for that State Party.”



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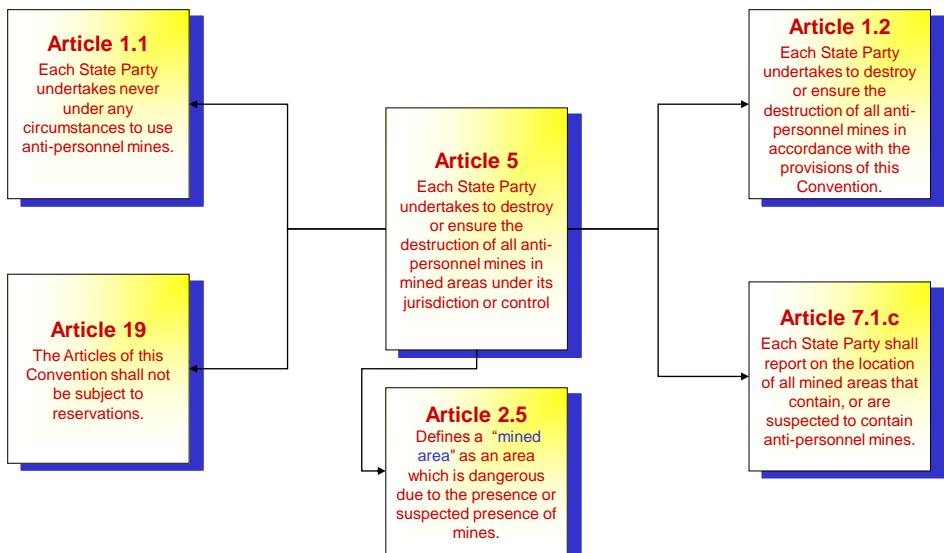
Article 5: What it says and what it does not say?

Zagreb Progress Report, 2 December 2005:

- ❑ The Convention does not contain language that would require each State Party to search every square meter of its territory to find mines.
(The Convention does not imply an endless search for the 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 "mined area" as an area dangerous due to the presence or suspected presence of mines. Therefore, your job is to do everything possible to identify these areas and convert them into areas that are no longer dangerous due to the presence or suspected presence of mines.)
- ❑ It should be noted that while terms like "mine-free", "impact-free" and "mine-safe" are sometimes used, such terms do not exist in the text of the Convention and are not synonymous with Convention obligations.
(These terms can be useful in public communication, but they are not consistently defined, can be politically loaded, and are definitely not found within the Convention)
- ❑ Clearance of all mined areas in accordance with Article 5 is part of the Convention's overall comprehensive approach to ending the suffering and casualties caused by anti-personnel mines – "for all people, for all time."
- ❑ The totality of the impact caused by anti-personnel mines should be addressed in the context of the Convention.

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Article 5 and other Articles of the Convention



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Article 5: Who is responsible?



Who declares if a State Party has an obligation under Article 5.1?

- ICBL?
- United Nations?
- Meeting of the States Parties?
- Each State Party

Each State Party should do so in a manner that the community of States Parties and its own population has confidence in such a declaration.

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Article 5



41 States Parties have declared having an obligation under Article 5

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Article 5: Who is responsible?



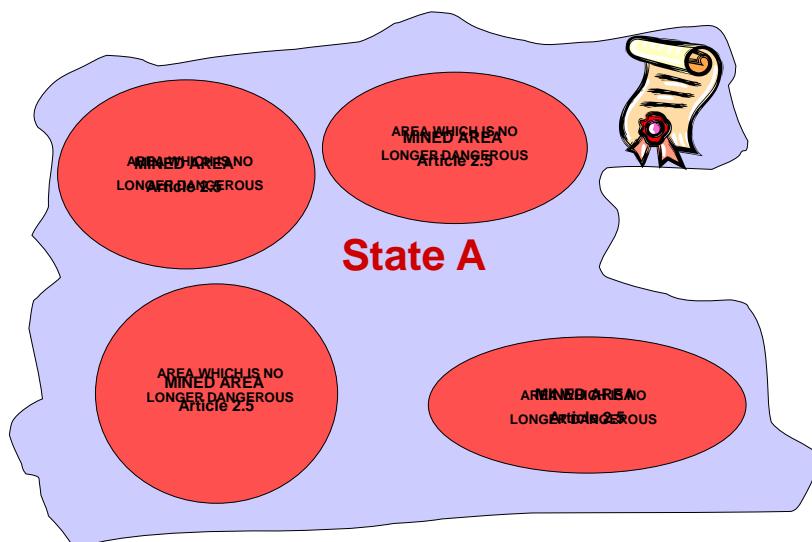
Who declares if a State Party has fulfilled its obligations under Article 5.1?

- ICBL?
- United Nations?
- Meeting of the States Parties?
- Each State Party

Each State Party should do so in a manner in which the community of States Parties has confidence that the State Party has fulfilled its obligations under Article 5 and that their own population has confidence that the work has been completed.

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Article 5: When are the obligations under Article 5 considered fulfilled ?



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Article 5

11 States Parties have declared having fulfilled their obligations under Article 5

- Bulgaria
- Costa Rica
- Djibouti
- France
- Guatemala
- Honduras
- FYR of Macedonia
- Malawi
- Surinam
- Swaziland
- Tunisia



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What are we working towards?



7MSP: Proposed voluntary declaration of completion, 22 September 2006

[State] declares that it has destroyed [ensured the destruction of] all anti-personnel mines in areas under its jurisdiction or control in which anti-personnel mines were known or suspected to be emplaced, in accordance with Article 5 of the Convention.

[State] declares that it completed this obligation on [date].

In the event that previously unknown mined areas are discovered after this date, [State] will:

- (i) report such mined areas in accordance with its obligations under Article 7 and share such information through any other informal means such as the Intersessional Work Programme, including the Standing Committee meetings;
- (ii) ensure the effective exclusion of civilians in accordance with Article 5; and
- (iii) destroy or ensure the destruction of all anti-personnel mines in these mined areas as a matter of urgent priority, making its needs for assistance known to other States Parties, as appropriate.

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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 10 years, it may submit an extension request for a period of up to ten years.



Each request should 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.

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Lessons learned



- Establishing a solid baseline
- Offering a clear picture of the remaining challenge
- Integrating assets that have the potential accelerating the operations
- Using clearly defined language

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Thank you!

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