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To begin with I would like to go back to the text of Convention and highlight the States Parties obligations under Article 5.

Under Article 5, States Parties must do the following, they must:

- **“make every effort to identify all areas under its jurisdiction or control in which anti-personnel mines are know 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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As with other Articles in the Convention and to fully comprehend the reach and scope of a States Parties mine clearance obligations, it is important to take into account the relationship of Article 5 with other Articles of the Convention. Principally the following:

- **Article 1, paragraph 1 prohibits the use of anti-personnel mines.**

Utility or perceived utility is realised when they are placed under, on or near the ground. Emplaced mines could be, or could be perceived as, mines which are being used, which is an action prohibited by the Convention.

- **Article 1, paragraph 2, states that “*each State Party undertakes to destroy or ensure the destruction of all anti-personnel mines in accordance with the provisions of this Convention.*”**

This reinforces the fact that when States joined the Convention they agreed to destroy or ensure the destruction of anti-personnel mines that are both stockpiled (art.4) and emplaced (Art.5).

- Article 19 makes it clear that all aspects of the Convention – including Article 5 – apply at all times and to the full extent described by the Articles of the Convention.
- Article 2, paragraph 5, defines mined areas and this provides some clear guidance on what it means to have fulfilled Article 5 obligations.
- **Article 7, paragraph 1, subparagraph (c) states that each State Party is to report, “to the extent possible, the location of all mined areas that contain, or are suspected to contain anti-personnel mines under its jurisdiction or control.”**
This implies that each individual State Party must declare whether the provisions of Article 5 are relevant to that State.

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While the text of the convention is clear, States Parties recognized that ambiguities persisted among the States Parties on what exactly a State Party’s responsibility was under Article 5. With this in mind States Parties during the Sixth Meeting of the States Parties reached some key understandings on what Articles 5 says and what it does not say. These understandings were recorded in the Zagreb Progress Report:

- **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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So, who is responsible for declaring if a State Party has an obligation under Article 5.1.

It is not the ICBL? it is not the UN? And it is not the Meeting of the States Parties? It is the State Party itself that self declares a responsibility under Article 5 in its initial Article 7 transparency report.

However, 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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There are 42 States Parties that currently have declared having an obligation under Article 5 of the Convention.

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So, how does a country know it has fulfilled its obligations under Article 5 of the Convention?

If a State Party indicated in its initial Article 7 transparency report that there are 4 mined areas as defined by the Convention (areas that are dangerous due to the presence or suspected presence of mines) in their country, then the State Party has fulfilled its commitment when these 4 mined areas are addressed and are now areas that are no longer dangerous due to the presence or suspected presence of mines.

As with the responsibility for declaring if a State Party has an obligation under Article 5, the responsibility for declaring that the obligations under Article 5 have been fulfilled lie with the State Party.

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At the moment a total of 11 countries have declared completion.

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Now, what are we working towards? At the Seventh Meeting of the States Parties the States Parties adopted a voluntary declaration of completion. This declaration is a short document which offers to States Parties a uniform way to report completion further removing any ambiguities of what it means to have completed a States Parties mine clearance obligations.

There are two important points I would like to point out concerning this declaration:

Firstly, the declaration of completion uses language derived from the Convention for presenting the achievement of the State Party.

Secondly, it also indicates that Article 5 should be implemented with a certain degree of pragmatism and is realistic in indicating that after all efforts have been made to implement Article 5 and after a State Party declares completion, there is the possibility that unknown mined areas may be discovered. Finally the declaration points out how a State Party would respond in such a situation which is basically following the path indicated by the Convention, reporting on mined areas, ensuring that they are marked and finally destroy the anti-personnel that are emplaced in them.

In addition to this declaration of completion, States Parties have also included additional information which offers an overview of the mine action program and the non-technical, technical, and other activities which have been put for the to put them in a position in which they can now , with confidence declare having completed their mine clearance obligations.

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Now, Article 5 of the Convention also indicates that 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. While the Convention offers some guidance as to what a request should contain and how this process should unfold, the guidance is minimal.

With this in mind, in 2006, the States Parties during the 7MSP reached a number of decisions that provided a strong base for the extension request process and the President of the 8MSP submitted a paper highlighting how the process for developing, submitting, analysing and considering requests would play out under his presidency. The first requests, which included request from some of the States Parties here represented, were considered at the 9MPS. This year 4 States Parties have submitted request which will be considered at the Second Review Conference.

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I would like to conclude my presentation by sharing with you a number of lessons that have been learnt during the extension process as they can be potentially very valuable for States Parties implementing Article 5.

While this process has resulted in the most comprehensive information ever provided by many requesting States Parties, it has also revealed some profound challenges encountered by some States Parties over the last 10 years.

These challenges are mainly linked to a lack of clarity in the data held on the implementation of Article 5. So, from these challenges, we can draw a number of lessons:

One of the first lessons that comes to mind is:

1. Establishing a solid baseline

Developing an extension request is basically a process of providing clarity into a national demining program particularly providing details of what the original contamination was in a State, (number of areas confirmed and suspected, their size and location), the progress that has been made, and the plan put in place to tackle the remaining challenge. The establishment of a clear baseline is what makes a program measurable. Not all States Parties have been able to do so.

2. The second lesson that can be drawn relates to the remaining challenge faced by States Parties

Once States Parties have recorded progress on the basis of an established base line, they should be in position to provide clearer information on what remains to be done, a State Party should have an understanding of how many mined areas (confirmed and suspected) remain, their size and their location. On that basis a State Party should be able to produce a detailed plan based on concrete data, annual objectives and methods and means to implement the plan.

3. A 3rd lesson that can be drawn is related to the use of assets that can accelerate operations.

The States Parties have now come to understand that large areas have been targeted for manual or mechanical mine clearance even though they did not contain mines. In addition to clearance, land can be released through non-technical means (*systematic community liaison, field based data gathering and improved procedures for cross –referencing data*) and technical survey (*detailed topographic and technical investigation*).

States Parties are encouraged to develop plans that use, as required, and in addition to clearance the full range of methods available to release land.

Finally it is important at all times when communicating about Article 5 to:

Use clearly defined language

It is important that States parties when they define and categorize their land, use terminology that has been clearly defined and that this terminology is used consistently in order to avoid misunderstandings and confusion.

With these remarks my presentation is now concluded and I would like to thank you for your attention. If you have any questions please do not hesitate to contact me at any time.

Thank you.