

**LANDMINE MONITOR FACT SHEET****Article 5 Deadline Extension Requests**

Article 5, paragraph 3 of the Mine Ban Treaty states that if a state believes it will be unable to destroy or ensure the destruction of all antipersonnel mines in mined areas under its jurisdiction or control within 10 years of becoming a party to the treaty, it may submit a request for an extension of its deadline for a period of up to ten years. At the First Review Conference of the treaty in 2004, the Nairobi Action Plan declared that successfully meeting Article 5 deadlines would be “the most significant challenge to be addressed in the coming five years and will require intensive efforts by mine-affected States Parties and those in a position to assist them.”<sup>1</sup> Accordingly, States Parties undertook to “strive to ensure that few, if any, States Parties will feel compelled to request an extension in accordance with the procedure set out in Article 5, paragraphs 3-6 of the Convention.”<sup>2</sup>

As of 2 June 2008, 12 States Parties had submitted requests for an extension to their Article 5 deadline: Bosnia and Herzegovina, Denmark, Ecuador, Jordan, Mozambique, Nicaragua, Peru, Senegal, Thailand, Venezuela, Yemen and Zimbabwe. Their Article 5 deadlines range from 1 March to 1 October 2009.<sup>3</sup> This fact sheet summarizes the content of these Article 5 deadline extension requests as well as the initial ICBL critiques of the requests.<sup>4</sup> A further four States Parties were expected to request an extension: Chad, Croatia, Niger and the United Kingdom.

**Duration of the extensions requested**

Article 5, paragraph 4(a) of the Mine Ban Treaty states that each request must contain the duration of the proposed extension. In requests received to date, the duration of the extensions sought varies from 1 year (Nicaragua) to 10 years (Bosnia and Herzegovina and Peru). Jordan has requested three years; Mozambique and Venezuela, five years; Yemen, five and a half years; Senegal, seven years; and Ecuador, eight years. Zimbabwe has requested seven years, but makes success in implementation conditional on receiving sufficient international funding. Thailand has variously requested nine and a half and 10 years in its request. Denmark stated that it was not yet in a position to specify the duration of the extension it was requesting.

**Reasons for the extensions requested**

A wide variety of reasons are advanced for the need to request an extension. The most common reason was lack of adequate funding, which is cited by Bosnia and Herzegovina, Ecuador, Jordan, Nicaragua, Thailand, Yemen and Zimbabwe. Several states also cited their significant landmine problem (Bosnia and Herzegovina, Thailand and Zimbabwe) or the difficulty of terrain and/or weather (Ecuador, Peru, Thailand, Yemen and Venezuela). Peru and Venezuela also referred to other logistical challenges, including arrangements for casualty evacuation.

Mozambique and Thailand have claimed that poor survey data has impeded successful completion of their Article 5 obligations, while Nicaragua claimed that the fact that more mines are being found than were recorded has slowed progress. Senegal affirmed that conflict with an armed opposition group in its affected Casamance region ended only in De-

<sup>1</sup> Nairobi Action Plan, 2004, Final Report of the First Review Conference, APLC/CONF/2004/5, 9 February 2005, Section III (Clearing Mined Areas), Point 4.

<sup>2</sup> Nairobi Action Plan, 2004, Action #27.

<sup>3</sup> States Parties with Article 5 deadlines in 2009 that would need to request an extension were encouraged to submit their requests in March 2008 for consideration at the Ninth Meeting of the States Parties. See, for example, “Final Report, Eighth Meeting of the States Parties”, Unofficial Version, 22 November 2007, p 7, accessed at [www.apminebanconvention.org/fileadmin/pdf/mbc/MSP/8MSP/8MSP-FinalReportUnofficial-30Nov2007-en.pdf](http://www.apminebanconvention.org/fileadmin/pdf/mbc/MSP/8MSP/8MSP-FinalReportUnofficial-30Nov2007-en.pdf).

<sup>4</sup> The Analysing Group, a group of States Parties established and chaired by the President of the Eighth Meeting of States Parties, formally requested the ICBL to provide written critiques of each of the extension requests.

ember 2004, delaying the initiation of the mine action program. Denmark claimed environmental concerns in the affected area are delaying completion.

### Quality of the extension requests

The 12 extension requests vary widely in quality.<sup>5</sup> On several occasions, the Analysing Group has written to requesting States Parties seeking clarification on certain elements of the request or seeking additional information. The ICBL has called for clarifications, additional information or even resubmission in almost every case.

### Conclusions of ICBL critiques

In numerous instances, more efficient demining and/or earlier action to mobilize additional demining capacity and international financial support could have avoided the need for any extension. This is true for Denmark, Ecuador, Jordan, Nicaragua and Venezuela.<sup>6</sup> Venezuela's inaction – it has yet to start demining on the basis that it could not begin demining without an alternative defense mechanism for the border areas – is of particularly grave concern and constitutes a flagrant failure to respect the treaty. In other cases, such as Peru and Senegal, greater action and efficiency would have significantly reduced the duration of the extension. In all cases, an increasing financial commitment from the requesting State Party during any extension period should be expected. It is hoped that States Parties in a position to do so will maintain their levels of support and assistance to affected States.

The requests by Mozambique and Yemen are generally well presented and argued (despite concerns about data accuracy on the part of Yemen) and the respective durations of the extensions sought seem reasonable. Nicaragua has requested a one-year extension, however, based on its inability to meet previous targets there is some question whether even this latest target would be met. In the case of Jordan, it has noted that national security concerns may prevent successful completion of clearance even within the additional requested period of three years.

In several other cases, the ICBL recommends that States Parties should accord shorter periods than those requested as the periods sought in specific cases appear significantly in excess of what should reasonably be expected for completion of clearance obligations given the remaining contamination and available and potential clearance capacity. Specifically, Peru has requested 10 years but we believe that it should be granted no more than six and that Peru should submit a revised operational plan that more efficiently addresses the residual contamination. Ecuador has requested eight years, but we believe it should not receive more than four based on the extent of its remaining problem. Senegal has requested seven years but we believe it should not receive more than four. Further, during the period of any extension, Senegal needs to conduct a technical survey of all its suspect hazardous areas to identify and then revise its strategic plan accordingly.

Any conclusions on the extension requests by Bosnia and Herzegovina, Thailand and Zimbabwe should be delayed until new, improved requests are submitted. It is clear these countries need help to better identify the extent of the problem and provide a realistic plan to meet their Article 5 obligations. If, prior to the forthcoming Meeting of States Parties, Denmark is unable to request a specific timeframe and to support it with evidence, it should request an extension of no more than a year to carry out a technical survey of the remaining suspect hazardous area. This will enable an operational plan and budget to be drawn up. Denmark can then make a further extension request, if absolutely necessary.

Venezuela must begin clearance before the expiry of its ten-year deadline to demonstrate that it is now taking its obligations seriously. Should Venezuela initiate clearance in time, it should receive no more than a one-year extension based on the very small quantity of mined areas it has to clear.

<sup>5</sup> UN, "Final Report, Seventh Meeting of the States Parties," Geneva, 18-22 September 2006, APLC/MSP.7/2006/5, 17 January 2007, para. 27.

<sup>6</sup> It is also the case for the United Kingdom, which has still not begun formal clearance and has yet to request an extension but is almost certain to do so.