

Fourth Review Conference 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

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Consideration of submissions of States Parties as provided for in Article 5

Analysis of the request submitted by Cambodia for an extension of the deadline for completing the destruction of anti-personnel mines in accordance with Article 5 of the Convention

Submitted by the Committee on Article 5 Implementation (Austria, Canada, Colombia and the Netherlands)

1. Cambodia ratified the Convention on 28 July 1999. The Convention entered into force for Cambodia on 1 January 2000. In its initial transparency report submitted on 26 June 2000, Cambodia reported areas under its jurisdiction or control containing, or suspected to contain, anti-personnel mines. Cambodia was obliged to destroy or ensure the destruction of all anti-personnel mines in mined areas under its jurisdiction or control by 1 January 2010. Cambodia, believing that it would be unable to do so by that date, submitted, on 11 May 2009 to the President of the Ninth Meeting of the States Parties, (9MSP) a request for an extension of its deadline, until 1 January 2020. The Second Review Conference agreed unanimously to grant the request.

2. In granting Cambodia's request in 2009, the Second Review Conference noted that, while it may be unfortunate that after almost ten years since entry into force a State Party is unable to clarify what remains to be done, it is positive that such a State Party, as in the case of Cambodia, has committed to carry out a "Baseline Survey" (BLS) in all affected districts by the end of 2012, to produce greater clarity on the remaining implementation challenge and to provide a revised work plan to the States Parties, and the benefit from progressively clearer information being used to develop and thereafter revise a single national clearance plan that takes into account the proficiencies and strengths of the various demining operators.

3. On 27 March 2019, Cambodia submitted to the Committee on Article 5 Implementation ("the Committee") a request for extension of its 1 January 2020 deadline. On 14 June 2019, the Committee wrote to Cambodia to request additional clarification and information provided by Cambodia in its request for extension. On 8 August 2019, Cambodia submitted to the Committee additional information in response to the Committee's questions. The Committee noted with satisfaction that Cambodia has submitted its request in a timely manner and had engaged in a cooperative dialogue with the Committee. Cambodia's request is for 5 years, 11 months, until 31 December 2025.

4. The request indicates that during its initial extension period, Cambodia released 577,171,932 square metres of mined area, (123% against target), including 175,084,530



square metres cancelled (C1¹) through non-technical survey (NTS), 109,970,680 square meters reduced (C2) through technical survey (TS), and 292, 116,722 square meters cleared (C3), resulting in the identification and destruction of 101,424 anti-personnel mines, 1,560 anti-tank mines and 73,231 unexploded ordnance. These efforts resulted in 946 villages being declared mine-free. The Committee noted the importance of Cambodia continuing to report on its progress in a manner consistent with the International Mine Action Standards (IMAS), disaggregating by area cancelled through non- technical survey, reduced through technical survey and addressed through clearance.

5. The request indicates that during the initial extension period, Cambodia undertook a baseline survey in 124 districts of a targeted 122². The baseline survey identified 15,304 suspected hazardous areas measuring 1,377,172,548 square metres, with the survey establishing a new baseline of Cambodia's remaining challenge. The Committee wrote to Cambodia to request clarification regarding the extent of contamination identified during the baseline survey which increased the original estimate outlined in the first extension request. The Committee also requested information concerning quality control and assurance processes in place to ensure an evidence-based approach to the classification of land as suspected hazardous areas. Cambodia responded that Cambodian Mine Action Standard 14 directs all baseline survey activities and is applicable to all operators. Cambodia further responded by indicating that the Cambodia Mine Action Authority, (CMAA) Department of Regulation, Monitoring and Quality Management (QMT) and the CMAA Database Unit have been mandated to review questionable polygons with the QMT mandated to increase inspections on baseline survey activities. The Committee highlighted the importance of Cambodia ensuring an evidence-based approach to the classification of land as suspected or confirmed in accordance with IMAS.

6. The request indicates the following, which in Cambodia's view, acted as impeding circumstances during Cambodia's initial extension period: (a) scale of contamination, (b) available demining technologies and methodologies, (c) availability of donor funds vis a vis Cambodia's economic status and financial portfolio, (d) resources allotted to high priority areas instead of clarifying lower priority suspect areas, (e) un-demarcated border areas, (f) inaccessible areas, (g) competing priorities and demands, and (h) data discrepancies.

7. The request indicates a remaining challenge of 9,804 suspected hazardous areas measuring 890,437,236 square metres, located in 24 Provinces. The Committee wrote to Cambodia to request the disaggregation of Cambodia's remaining challenge in a manner consistent with IMAS, by suspect hazardous areas and confirmed hazardous areas. Cambodia responded that it was unable to provide disaggregation as the baseline survey had been implemented since 2009 with the following classification system; A1 (land containing dense concentration of anti-personnel mines), A2 (land containing mixed of anti-personnel and anti-tank mines), A4 (land containing scattered or nuisance presence of anti-personnel mines) and B2 (land with no verifiable mine threat). The Committee highlighted the importance of Cambodia reporting on its remaining challenge in a manner disaggregated in accordance with IMAS in order to ensure clarity concerning its remaining challenge.

8. The request indicates that anti-personnel mines continue to have humanitarian, and socio- economic impacts in Cambodia. Mines and explosive remnants of war (ERW) continue to impede safe access to agricultural land, housing, water resources, forests and

¹ C1: Cancelled / Reclaimed Land: Previously suspected land that non-technical survey confirms has been put back into productive use and ploughed without accident or evidence of mines a minimum of 3 times. Land previously recorded in error as A or B categories where non-technical survey confirms that the area meets the criteria detailed in Annex F Deployment of humanitarian demining assets on this land should not be considered. C2: Land Reduced through Technical Survey Land previously recorded as mined or suspected where as a result of approved technical survey methodology no obvious threat remains. C3: Land formally cleared by accredited mine clearance operators adhering to the national standards (CMAS).

² The BLS project surveyed 124 of a targeted 122 districts. The added two districts were a result of an administrative split, Poi Pet from Ou Chrov and Rukhak Kiri from Moung Ruessei.

markets. National development projects, including hydropower plants, irrigation projects and roads also need to be deemed safe through land release prior to the start of the project. While accident numbers have been reduced, field observations note farmers continue to take risks in accessing their land before and during clearance. The Committee noted that the ongoing effort to implement Article 5 during the requested extension period had the potential of making a significant additional contribution to improving human safety and socio-economic conditions in Cambodia.

9. As noted, Cambodia's request is for 5 years and 11 months, (until 31 December 2025). The request indicates several factors that could positively or negatively impact on the request timeframe, including: (a) the extent of the remaining contamination, (b) the need to complete baseline survey in 73-unsurveyed/partially surveyed districts by 2020, (c) the need to increase capacity by at least 2,000 additional deminers, (d) expected continuation of current partnerships with national and international NGOs and development agencies with an expectation of further increases in financial resources by 2021, (e) re-survey and re-verification of 12,000 suspected hazardous areas identified during the BLS, and (f) agreement between Cambodia and Thailand to develop work plans to address anti-personnel mines near un-demarcated border areas.

10. The request contains a work plan and budget for the period the extension 2019-2025, with a current three-year indicative work plan for the period (2019-2021) based on Cambodia's National Mine Action Strategy (2018-2025). The indicative work plan indicates that Cambodia will address 84,250,000 square metres in 2019, 110,000,000 square metres annually in 2020 and 2021, and 146,546,809 square metres annually in 2023-2025.

11. The work plan further indicates that baseline survey activities in the remaining 73 districts are projected to be completed 2020 with re-survey and re-verification planned for 12,000 suspected hazardous areas identified during the BLS. The work plan indicates that as a result of these activities Cambodia aims to declare 500 villages as mine-free by the end of 2021. The Committee noted that, while it is unfortunate that after almost two decades of intensive humanitarian demining efforts Cambodia does not have a precise definition of its remaining challenge, it is positive that Cambodia is proceeding with finalising its Baseline Survey to clarify the situation. The Committee further noted the importance of Cambodia's national authority directing this effort, of a common method being applied by all those involved, and of the BLS resulting in clarity of Cambodia's remaining Article 5 challenge.

12. The Committee wrote to Cambodia requesting further information on its aim to release 500 mine affected villages by 2021 and the mechanisms in place to ensure that deployment of resources are prioritised to mined areas with the highest socio-economic impact. Cambodia responded by stating that the criteria used for identifying and targeting 500 villages, included: (a) size of the contamination, (b) number of mine casualties, (c) population, and (d) percentage of population living in poverty.

13. The request indicates that a key component of Cambodia's work plan is an agreement between Cambodia and Thailand to address anti-personnel mine contamination near un-demarcated border areas. The Committee wrote to Cambodia requesting additional information on the agreement between Cambodia and Thailand, including national bodies involved, information on any planned joint operations and expected annual milestones. Cambodia responded that the Cambodia- Thailand General Border Committee agreed at their twelfth meeting on 30 March 2017 that all demining operations near border areas be undertaken without prejudice to the rights and duties of Thailand and Cambodia to the land boundary under international law. Cambodia further responded that clearance in border areas is outlined in Government Decision No. 53 of January 2019, tasking the CMAA to consult with the Royal Cambodian Army (RCA) on the feasibility of the RCA demining border areas. The Committee noted that all could benefit if additional clarity was provided on the location and status of areas suspected to contain mines along the Cambodian-Thai border. The Committee also noted that both Cambodia and all States Parties could benefit if Cambodia provide updates on such matters at intersessional meeting and at Meetings of the States Parties.

14. The request indicates that the Royal Cambodian Army (RCA) may be able to provide up to 2,000 additional deminers for the Cambodian Mine Action Programme. The Committee wrote to Cambodia requesting further information on the progress of this agreement, including detailed plans and timelines for recruitment, training, equipping and deployment of RCA teams and confirmation on the use of the Cambodian Mine Action Standards (CMAS) to guide this work. Cambodia responded by indicating that the CMAA and the RCA have formulated a draft Memorandum of Understanding (MOU), including the requirement for RCA teams to follow CMAS and be subject to QA and QC by the CMAA quality management team. Cambodia further highlighted that the MOU has been shared for review and Cambodia will inform meetings of States Parties on the progress of this effort. The Committee noted the importance of Cambodia continuing to report on progress of efforts to increase capacity and the impact of changes in capacity on annual work plans and Cambodia's Article 5 deadline.

15. The request indicates that Cambodia will continue to implement its Gender Mainstreaming in Mine Action Plan (GMAP 2018-2022). The Committee wrote to Cambodia requesting further information on the current status of gender balance present for each operator and how the planned recruitment of additional deminers through the RCA will give consideration to gender balance. Cambodia responded by providing disaggregation of current operator capacities by gender, in Annex 18, 19 and 20 to its extension request. Cambodia further responded that the CMAA has developed a gender mainstreaming checklist to instruct operators how to promote gender balance within survey and clearance teams, including in the recruitment of additional deminers. The Committee welcomes the additional information from Cambodia and noted the importance of Cambodia continuing to report on its efforts to ensure the implementation of its gender mainstreaming plan.

16. The request indicates that Cambodia will require a total of US\$ 165.3 million for activities related to the implementation of Article 5 during the extension period. The request further indicates that Cambodia has drafted a resource mobilisation strategy, annexed to the request, including constant allocations from the Royal Government of Cambodia towards land release activities and the overall management of the mine action sector, covering importation taxes, providing a 10% matching contribution, (in-kind and/or in-cash) against any new contributions, and a 10% in-cash contribution to the 'Clearing for Results' project. The Committee noted that Cambodia's national contributions to implementing Article 5 will assist in fulfilling its obligations in the manner outlined in the request.

17. The Committee wrote to Cambodia to request additional information on Cambodia's plan to mobilise private sector funding/investment or fundraising through trusts and foundations, including the development of a communications plan to assist in generating interest amongst key national and international stakeholders. Cambodia responded that the resource mobilisation strategy will target multiple sectors to support clearance of mined areas with small to medium contamination. Cambodia further responded that with the support of the Committee on the Enhancement of Cooperation and Assistance, Cambodia will host an Individualised Approach event on the margins of the Fourth Review Conference with the aim to bring together donor community, partners for South-South and regional cooperation in discussion on the current status of Cambodia's national programme.

18. The Committee wrote to Cambodia requesting further information on how Cambodia intends to structure its organisational capacities to respond to residual contamination following completion, and contingency plans in place to mitigate negative impacts of a rapid demobilisation of staff. Cambodia responded in detail that the development of a national capacity to respond to residual threats after 2025 has been included in the current National Mine Action Strategy (NMAS 2018- 2025). Cambodia also indicated that as the RCA is committed to achieve the 2025 target, it is likely that the RCA will be the national capacity to address any residual threats. Cambodia further responded that the CMAA will seek support from the Royal Cambodian Government to absorb deminers into the Royal Cambodian Armed Forces or other institutions that can benefit from their experience.

19. The Committee noted that the request includes other relevant information that may be of use to the States Parties in assessing and considering the request, including further detail on socio-economic implications of remaining contamination, information on landmine victims and response to accidents undertaken by the Government of Cambodia, additional detail on planning and prioritisation, information on current demining capacity, annexed maps and tables relating to land addressed during first extension period, post clearance outcomes, capacity development, remaining financial considerations, as well as links to annexes and relevant literature pertaining to the request.

20. In recalling that the request contains a three-year indicative work plan for the period of 2019-2021 and that the implementation of Cambodia's national demining plan will be affected by new information, agreements on survey and clearance in border areas, the impact of results from baseline survey activities projected to be completed in 73 districts by 2020, the plan to revisit 12,000 suspected hazardous areas identified during the BLS, as well as Cambodia's aim to declare 500 villages mine-free by the end of 2021. The Committee noted that the Convention would benefit from Cambodia submitting to the Committee an updated detailed work plan by 15 August 2022, and 30 April 2024, for the remaining period covered by the extension. The Committee noted that these work plans should contain an updated list of all areas known or suspected to contain anti-personnel mines using terminology consistent with IMAS, annual projections of which areas and what area would be dealt with during the remaining period covered by the request and by which organisation, matched to a revised detailed budget.

21. The Committee noted with satisfaction that the information provided in the request and subsequently in responses to the Committee's questions is comprehensive, complete and clear. The Committee further noted that the plan presented by Cambodia is workable, lends itself well to be monitored, and states clearly which factors could affect the pace of implementation. The Committee also noted that the plan is ambitious and that its success is based on significant co-contribution from the State budget and contingent upon stable international funding. In this regard, the Committee noted that the Convention would benefit from Cambodia reporting annually by 30 April to the States Parties on the following:

(a) Annual progress of baseline survey activities, in the remaining 73 districts disaggregated, in a manner consistent with the International Mine Action Standards, including the identification of new mined areas, and their impact on annual targets as given in Cambodia's work plan;

(b) Progress made relative to the commitments contained in Cambodia's annual survey and clearance plan during the extension period disaggregated by area cancelled, reduced and cleared and their impact on annual targets as given in Cambodia's work plan;

(c) Progress made in implementation of the planned agreement between the Cambodia and Thailand General Border Committee regarding plans to address anti-personnel contamination in border areas;

(d) Updates regarding the deployment of 2,000 deminers by the Cambodian Armed Forces, with respect to gender balance in survey and clearance teams, timeline for recruitment, training and deployment;

(e) Updates regarding resource mobilisation efforts, including resources made available in the Cambodian State Budget and national and international financing received to support implementation efforts;

(f) Updates regarding the structure of Cambodia's mine action program, including existing and new organisational and institutional capacities to respond to residual contamination following completion.

22. The Committee noted the importance, in addition to Cambodia reporting to the States Parties as noted above, of keeping the States Parties regularly apprised of other pertinent developments regarding the implementation of Article 5 during the period covered by the request and other commitments made in the request at intersessional

meetings, Meeting of the States Parties and Review Conferences as well as through its Article 7 reports using the Guide for Reporting.
