

Observations on the request submitted by Eritrea under Article 5 of the Convention

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

21 November 2019

1. The Convention entered into force for Eritrea on 1 February 2002. In its initial transparency report submitted on 3 September 2003, Eritrea reported areas under its jurisdiction or control containing, or suspected to contain, anti-personnel mines. Eritrea was obliged to destroy or ensure the destruction of all anti-personnel mines in mined areas under its jurisdiction or control by 1 February 2012. Eritrea, believing that it would be unable to do so by that date, submitted on 31 March 2011 to the President of the Tenth Meeting of the States Parties (10MSP), a request for an extension of its deadline. Eritrea's request was for 3 years (until 1 February 2015). Eritrea, believing that it would be unable to do so by that date, submitted on 23 January 2014 to the President of the Thirteenth Meeting of the States Parties a request for an extended deadline. This request was granted by the Third Review Conference in 2014 and a new deadline set for 1 February 2020.
2. Since Eritrea's extension request was granted by the Third Review Conference in 2014, no additional information has been provided on the status of programmes for the destruction of anti-personnel mines highlighting progress in implementation of the work plan provided in its request in accordance with Article 7, paragraph 7(f) of the Convention and in spite of annual reminders from the Committee on Article 5 Implementation. Furthermore, Eritrea has not observed the decisions of the Third Review Conference on its request, particularly the following:
 - a) The Meeting noted that it would be beneficial if Eritrea would submit to the States Parties, by 30 April 2015, an updated list of all areas known or suspected to containing anti-personnel mines, annual projections of which areas and area that would be dealt with each year during the remaining period covered by the request and a detailed budget.
 - b) Also, in granting the request, the Conference noted that the Convention would benefit from the Eritrea informing the States Parties, by 30 April of each year, as relevant, on the following:
 - i. The number, location and size of remaining mined areas, plans to clear or otherwise release these areas and information on areas already released, disaggregated by release through clearance, technical survey and nontechnical survey,
 - ii. Efforts and the results of efforts to diversify funding sources and to reach out to other relevant parts of the government to contribute to covering the costs of implementing Eritrea's national plans for survey and mine clearance,
 - iii. Resources obtained relative to needs expressed in the request, including resources provided by the Government of Eritrea itself,
 - iv. Additional efforts made by Eritrea and the results of these efforts to make use of the full range of practical methods to release, with a high level of confidence, areas suspected of containing anti-personnel mines, in accordance with the United Nations Mine Action Standards.

3. In accordance with the process agreed to at the Seventh Meeting of the States Parties (7MSP), if Eritrea believed it would be unable to comply with Article 5, paragraph 1 of the Convention within its extension request period, it should have submitted a request by 31 March 2019.
4. In keeping with the decision taken at the 7MSP which sees that States Parties are encouraged, as necessary, to seek assistance from the Implementation Support Unit in the preparation of their requests, beginning in early 2018 and frequently since, the ISU made the availability of its assistance known to Eritrea.
5. The Committee on Article 5 implementation and the President of the Fourth Review Conference, with the assistance of the Coordination Committee, reiterated on a number of occasions the urgency of the matter with officials of Eritrea and encouraged Eritrea to take advantage of the technical support offered by the ISU in preparing an extension request.
6. On 11 November 2019, Eritrea submitted an extension request to the Committee on Article 5 Implementation. The Committee responded to acknowledge receipt of the request and to note that, taking into account the points made below in paragraphs 7 and 8, it was not in a position to prepare an analysis of the request, according to established procedure, due to its late submission.
7. At the 2006 7MSP, the States Parties established “a process for the preparation, submission and consideration of requests for extensions of Article 5 deadlines.” This process includes States Parties seeking extensions being encouraged “to submit their requests to the President no fewer than nine months before the Meeting of the States Parties or Review Conference at which the decision on the request would need to be taken.” The agreed process also sees that the Committee on Article 5 Implementation¹ tasked with preparing an analysis of each request for extension and that the Committee on Article 5 Implementation is responsible for submitting each analysis “to the States Parties well before the Meeting of the States Parties or Review Conference preceding the requesting State’s deadline.”
8. In a report submitted to the Ninth Meeting of the States Parties (9MSP), the President of the Eighth Meeting of the States Parties (8MSP) remarked on how late requests have compounded challenges faced in the analysis of extension requests. In a report submitted to the Tenth Meeting of the States Parties (10MSP), the President of the Second Review Conference recorded that late requests “impeded the efforts of the analysing group² and resulted in some analyses being completed much later than they normally should have.” Also, at the 10MSP, “the Meeting recalled the importance of the timely submission of extension requests to the overall effective functioning of the Article 5 extension process and, in this context, recommended that all States Parties that wish to submit requests do so no later than 31 March of the year when the request would be considered (i.e., the year prior to the State Party’s deadline).” Furthermore, in a report submitted to the Twelfth Meeting of the States Parties (12MSP) the President of the Eleventh Meeting of the States Parties recorded that late requests have impeded the efforts of the analysing group by limiting opportunities for interaction between the group and requesting States Parties. This has also resulted in some analyses being completed much later than they normally should have thus affecting the ability of all States Parties to take informed decisions on requests.
9. The Committee is therefore submitting the following observations.

¹ The analysis of requests for extension falls under the mandate of the Committee on Article 5 Implementation as per the decision of the Third Review Conference.

² Ibid

Observations

10. The Committee is grateful to Eritrea for having communicated through its Note Verbale of 11 November the reasons for not abiding with the established Article 5 extension process. The Committee appreciates Eritrea's commitment to adhere to the process agreed to at the 7MSP moving forward.
11. The Committee regrets, however, its late submission of the extension request, as it will not be in a position to provide an analysis as per the established procedure, mentioned above. To date 39 States Parties have acted in a manner consistent with the process agreed to by the States Parties at the 7MSP. Many of these States Parties spent several months preparing requests and subsequently engaged in cooperative dialogue with the Committee on Article 5 Implementation³. In addition, "some requesting States Parties", as noted by the report submitted to the 9MSP by the President of the 8MSP, "(have) seized on the opportunity presented through an extension request to reinvigorate interest in a national demining plan, in large part by demonstrating national ownership and that implementation is possible in a relatively short period of time."
12. The Committee further regrets that Eritrea has not provided updated information on implementation of its Article 5 obligations since its last extension request was granted by the Third Review Conference and has not complied with the decision of the Third Review Conference. Furthermore, the current request submitted by Eritrea provides no appreciable new information regarding the status of implementation. The Committee noted, in that regard, that Eritrea has reported that the restructuring of the Eritrean Demining Authority has impeded Eritrea from preparing a request containing detailed data on progress made to date as well as from presenting of a work plan for the period beyond Eritrea's 1 February 2020 deadline. However, the Committee believes that the fact that Eritrea has not submitted updated information on implementation since it submitted its request for extension in 2014 is a matter of serious concern.
13. Eritrea currently requests an extension of its Article 5 deadline of 11 months until 31 December 2020, which will allow Eritrea the opportunity to present a detailed request including detailed information on its current contamination, progress made and a detailed work plan for implementation by 31 March 2020 for consideration by the Eighteenth Meeting of the States Parties in 2020. The Committee appreciates this commitment, as it will enable the engagement in a cooperative dialogue with Eritrea to prepare an analysis of the request, in accordance with the established process. The Committee further strongly encourages Eritrea to seek assistance from the Implementation Support Unit in the preparation of their requests, including by inviting the ISU for an in-country visit.

³ Ibid.