

Food for Thought



A Voluntary Multi-Donor Fund for Sustainable APMBC Completion

October 2024

Executive summary

As we work towards adoption of the Siem Reap–Angkor Action Plan, many States Parties face challenges in meeting their obligations under Article 5 of the Anti-Personnel Mine Ban Convention (APMBC) due to inadequate funding and support. A voluntary multi-donor fund is proposed to ensure that no State Party is left at the brink of completion due to a lack of resources in the journey toward a mine-free future. The fund should be explicitly linked to the fulfilment of the obligations set out in Article 5 and become a mechanism of international cooperation to address specific needs that are overlooked.

By relying on the plans outlined by Article 5 extension requests, the fund should support actions that contribute to sustainable completion. This should include activities instrumental in defining Article 5 needs, including previously unknown mined areas and new contamination where the presence of anti-personnel landmines is suspected. With the aim of avoiding duplication and overlaps with existing assistance mechanisms and bilateral initiatives, the fund can become a mechanism that channels and targets resources for the fulfilment of Article 5.

The fund can be designed to centralise and strengthen national ownership and reinforce the political value and legitimacy of the Convention by increasing the speed with which completion collectively and by individual States Parties is achieved.

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Introduction

This paper offers reflections on the potential scope and application of a voluntary multi-donor fund (referred to in this paper as “the fund”) in support of implementation of the Anti-Personnel Mine Ban Convention (APMBC). It aims to contribute to the ongoing dialogue in advance of the Fifth Review Conference, chaired by Cambodia and to be held in Siem Reap-Angkor between 25-29 November 2024.

In 25 years since its entry into force, the APMBC has provided a framework for reducing suffering and preventing future suffering caused by anti-personnel landmines and established a global norm that stigmatises the use, stockpiling, production, and transfer of these inhumane weapons. As we gather to reflect on progress, we must also confront persistent challenges. The Fifth Review Conference serves not only as a platform for reaffirming collective dedication to the Treaty’s principles but also as an invitation to innovate and collaborate on solutions.

States Parties face gaps in resources and support, particularly in the final stages of completion efforts. The fund seeks to fill these funding gaps and enable States Parties to fulfil their Article 5 obligations by providing targeted assistance for both mine survey and clearance activities. By focusing on the needs defined in approved extension requests and fostering national ownership, the fund aims to accelerate the journey toward a mine-free future, ensuring that states are not left at the brink of completion due to a lack of resources, in line with the norms on cooperation established at Article 6 of the Convention.

The paper proposes some broad principles, followed by analysis of the specific areas that such a fund should address, and a rationale for areas of mine action that should fall outside its scope. The paper does not delve into governance models for a multi-donor fund, recognising that this will require dedicated research, analysis and stakeholder engagement.



Problem Statement

The APMBC has faced persistent challenges in achieving its objectives due to gaps in international cooperation and assistance. Many States Parties are struggling to complete their obligations under Article 5, often due to inadequate funding and support for the final phases.

A people-centred approach to mine action rests on prioritisation of land release activities driven by assessment of the impact of contamination on communities. National mine action programmes are planned based on these needs as well as intersecting national priorities, such as major infrastructure development. High- and medium-impact tasks are undertaken first, meaning that the last areas remaining to be cleared close to completion are those with the lowest impact.

Additionally, some states have identified previously unknown mined areas post-completion or are affected by new contamination, requiring new Article 5 extension requests and renewed international cooperation. The current funding landscape does not adequately address these emerging needs, leaving States Parties unable to define their Article 5 status.

As a political objective set by the APMBC, completion is essential to maintain the integrity of the Convention by fully upholding its norms. An international cooperation and assistance mechanism targeted for completion does not only contribute to the fulfilment of Article 6, but it can also encourage universalisation efforts by giving potential States Parties confidence that support is available for fulfilment of obligations.

Key Objectives of the Fund

The proposed voluntary multi-donor fund aims to address the recurrent gaps in international cooperation and assistance that hinder the progress of States Parties under the APMBC. It should be designed to add value by addressing specific needs that are often overlooked and to foster national ownership in the design and implementation of mine action programmes.

Key objectives for the fund include:

1

Clearly defined parameters to avoid duplication and ensure targeted resource allocation.

2

Improved coordination and complementarity of international cooperation and assistance, combined with economies of scale.
A focus on national ownership, with States Parties affected by anti-personnel landmine contamination leading the process and working with international and national partners as needed

3

Explicit support to the fulfilment of APMBC Article 5 obligations, addressing gaps that impede completion efforts.

4

Orientation towards sustainable completion processes.

5

Discrete support to define Article 5 needs, including for new contamination and post-completion.

Key Considerations

i. The fund must add value and have clearly defined parameters.

The objective of the fund should be to address specific needs that are overlooked and avoid duplication. Its purpose is not to supplement funding gaps where other mechanisms are available but underfunded. A multilateral mechanism should also avoid diverting existing sources of bilateral funding – key contributing stakeholders would most likely be donors aiming to increase the impact of smaller funding contributions, and those looking to address gaps in their existing funding through thematic support to the APMBC. This means that a voluntary fund would be expected to be limited in size, requiring clear parameters so that resources can be targeted towards defined objectives. It will not be feasible for the fund to address the full spectrum of mine action needs globally.

ii. National ownership is essential and should be built into discussion and design of the modality.

While this paper does not explore governance models, it should be noted that any fund should be based on the principles of national ownership and leadership. The fund should not become a facility for international actors to access new resources, although space should be allowed for such entities to work as implementing partners at the request of the requesting State Party. By extension the governance model should be approached through a collaborative approach between donors and potential recipients.

iii. The fund should be closely linked to APMBC Article 5

The fund should be explicitly linked to the obligation of each State Party 'to destroy or ensure the destruction of all anti-personnel mines in mined areas under its jurisdiction or control', with a specific focus on recurrent gaps in implementation that are directly impeding completion efforts. Well-defined Article 5 extension requests clearly set out costed workplans for achievement of Article 5 obligations, making those workplans the source document for identification of international cooperation and assistance needs. Where States Parties are reporting consistent lack of progress against specific objectives due to lack of resources, support from the proposed fund could be allocated to overcome this barrier.

These gaps in implementation will require consistent and transparent identification and definition; they could include, for example, remaining timeframe until the Article 5 deadline, a request for specific assistance being unmet within (e.g.) three years, and consistently low levels of international support over multiple years. As well as enabling progress under Article 5, the fund could have the secondary effect of incentivising strong and timely reporting, contributing to the fulfilment of Article 7 of the Convention.



iv. Adequate support to Article 5 requires a scope broader than clearance.

This will relate to clearance of remaining contamination in many cases, but it should be noted that survey is also a critical activity included within extension requests – particularly in terms of identifying and defining mined areas in order to accurately establish the cost and remaining timeframe for clearance. This element is necessary to align with the approach taken by several states in which a short survey-focused extension request is approved by States Parties with a commitment to a subsequent Article 5 request based on the survey findings. This is likely to be especially relevant for states who identify previously unknown mined areas post-completion or are facing new contamination.

While many completion efforts are likely to require support to clearance capacity, it is important to recognise that completion efforts may depend on the delivery of other activities. Survey is a key tool in confirming timeframes and verifying completion, and especially in ensuring that completion is sustainable. Targeted capacity development activities may also be required, such as information management and updating of standards. The role of international cooperation and assistance is not necessarily in funding clearance operations until completion – targeted funding could enable the recipient state to assume full national ownership of the final phases.

v. Assistance should be available post-completion.

Several states have already identified previously unknown mined areas post-completion, requiring the submission of new Article 5 extension requests and, in some cases, the need for renewed international cooperation and assistance. Given changes in land use, population movements, and the principles of the land release approach, the discovery of previously unknown mined areas is likely to arise as a challenge for more States Parties in future. To encourage transparency and ensure completion is sustainable, the fund should enable support to all States Parties who have submitted an Article 5 extension request, including when completion has previously been declared.

i. Support should be available to define Article 5 needs.

A growing number of states are affected by new contamination, often as a result of the use of improvised mines. For those who are Party to the Convention, but who have not previously had an Article 5 obligation, defining the terms of the request represents and often neglected challenge. States with previously unknown mined areas may also require assistance to assess the nature or extent of contamination.

Whether as a result of new or newly emerged contamination, national authorities usually become aware of a potential Article 5 need as a result of reported accidents. Given that community engagement is usually the primary method of identifying contamination, these actions should allow scope for limited delivery of Explosive Ordnance Risk Education, used as a vehicle for data collection. To ensure a clear link to Article 5, these activities should stem from an Article 5 report setting out the need for the activity, with the specific objective should be either subsequent submission of an extension request if anti-personnel mines are confirmed to be present, or a follow up report that no further action is required.

Activities within the scope of the fund

Completing these remaining tasks, and therefore upholding legal obligations under the APMBC, is in effect a political objective. It should be noted that low impact does not mean no impact – this work still contributes to the Treaty’s stated objectives to reduce humanitarian harm and facilitate development, while also having wider value and significance in terms of holding up the integrity and norms of the Convention. Unfortunately, few donors are in a position to prioritise funding for such aims, meaning that states are left close to the finish line, without sufficient resources to complete, resulting in frustration as the number of affected states fails to reduce year-on-year. A multi donor fund should aim to address this gap, ultimately accelerating collective progress towards achieving mine-free status.

The fund should be targeted to support States Parties in defined areas that enable them to meet their Article 5 obligations. As such, the fund should cover the following areas.



i. Progress against Article 5 extension requests

- a) Meet defined plans set out and costed within approved Article 5 extension requests in contexts where the State has been unable to mobilise resources and does not have sufficient capacity with existing resources.
- b) Create, support or augment essential aspects of national capacity required to support survey and clearance (for example, information management and quality assurance).



ii. Definition of Article 5 needs

Undertake survey to ascertain Article 5 needs and define extension requests. This should only be the case where anti-personnel mine contamination is suspected but either unconfirmed or not sufficiently defined, and not for large scale survey. This could be the case, for example, when accidents are confirmed but the nature of contamination is unknown.

Given that community liaison is a key activity for undertaking non-technical survey, some limited EORE should be permitted where this is used as a vehicle for community outreach leading to data collection. Support to these activities should be directly linked to statements made by a State Party within the Treaty’s framework to the effect that mine contamination is suspected.

Activities outside the scope of the fund

i. Large scale mine action response in support of humanitarian, development and stabilisation action

Donors provide substantial support to crisis contexts and those where mine action is a significant pre-requisite for development through existing bilateral funding and multilateral mechanisms. While it should be acknowledged that needs continue to outweigh resources and some contexts receive less attention than others, this should be addressed through strengthened donor coordination and advocacy with the wider humanitarian and development sectors.

ii. Victim assistance.

Victim assistance requires a long-term commitment where the ultimate responsibility to provide services rests with State entities such as ministries responsible for health, social affairs, education, labour, human rights and social protection. Victim assistance as a pillar of humanitarian mine action can and should be realised through frameworks over and above disarmament conventions like the APMBC, such as the Sustainable Development Goals and the UN Convention on the Rights of Persons with Disabilities. Given that development, human rights and protection provide the most sustainable avenue through which to realise the rights of survivors and the broader group of mine and ERW victims, by extension the most appropriate means of resourcing VA is through mainstreaming support into disability-inclusive development.

iii. Stockpile destruction.

Only two States Parties have outstanding obligations under Article 4 of the APMBC. If national resources are insufficient to complete destruction in either case, bilateral assistance should be provided, prioritising military to military approaches to minimise the use of mine action funds. While some States Parties occasionally discover and report on small quantities of mines in national stockpiles, these can be and are addressed within broader stockpile management initiatives, including under the Global Framework for Through-Life Conventional Ammunition Management and the Arms Trade Treaty.

iv. Advocacy

Based on the principle that access to the proposed fund should be state-led and focused on achievement of APMBC obligations, funding for advocacy by civil society organisations should fall outside its scope. While all States Parties have an obligation to advocate for universalisation of the Treaty and upholding of its norms, this work is included within bilateral and multilateral diplomatic efforts.

Proposed next steps

States Parties should:

- Commit to explore the feasibility and the technical details of such a voluntary fund in the section on international cooperation and assistance of the Siem Reap – Angkor Action Plan 2025-2029;
- Commit to the fund's eventual establishment in the in the section on international cooperation and assistance of the Siem Reap – Angkor Action Plan 2025-2029;
- Commence a state-driven and inclusive process to discuss the technical details of such a voluntary fund, such as details regarding its institutional location, functioning rules, and working criteria, after the Siem Reap – Angkor Review Conference.





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