

Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction

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MEETING REPORT

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| Co-Chairs: | Canada | M. Dan Livermore, Ambassador for Mine Action |
| | South Africa | Mr. Bennie Lombard, Counsellor, Mission of South Africa, Geneva |
| Rapporteurs: | Belgium | Ms. Danielle Haven, Head of Non Proliferation & Disarmament Department, Ministry of Foreign Affairs |
| | Zimbabwe | Mr. Bebra G. Munodawafa, Ministry of Foreign Affairs |

REPORT

Introduction

1. The Standing Committee of Experts (SCE) on the General Status and Operation of the Convention, established by the May 1999 First Meeting of States Parties to the Convention, met at the International Conference Center of Geneva on January 10 and 11, 2000.
2. The meeting was co-chaired by Mr. Bennie Lombard (South Africa) and Ambassador Daniel Livermore (Canada). The co-rapporteurs of the meeting were Mr. Bebra G. Munodawafa (Zimbabwe) and Ms. Danielle Haven (Belgium). The Meeting received administrative support from the Geneva International Center for Humanitarian Demining (GICHD).
3. The meeting considered (a) progress achieved thus far within each standing committee and a review, in general terms, of the intersessional work program to date, (b) issues related to the general status and operation of the Convention, including experience to date with the Article 7 reporting process, matters pertaining to some of the articles covered by Article 7 reports and matters pertaining to other articles, and, (c) preparatory matters pertaining to the Second Meeting of the States Parties (SMSP).
4. The first day of the meeting was dedicated to agenda items related to the intersessional work program and issues related to the general status and operation of the Convention. Although the second day of the meeting was dedicated to preparatory matters pertaining to the SMSP, discussion on remaining topics pertaining to general status and operation of the Convention continued on day two of the meeting.
5. It is agreed that the co-chairs would coordinate discussions on the different action points of this report. Interested parties are invited to contact the co-chairs (through Mr. Kerry Brinkert, e-mail: [kerry.brinkert\(at\)dfait-maeci.gc.ca](mailto:kerry.brinkert@dfait-maeci.gc.ca) or Mr. Bennie Lombard, phone number (+41.22) 849.54.54, fax number (+41.22) 849.54.32, e-mail: [bennie.lombard\(at\)ties.itu.int](mailto:bennie.lombard@ties.itu.int)), to transmit their views and to express their wish to be included in the informal processes elaborating concrete proposals for the next Meeting of the SCE on the General Status and Operation of the Convention. Special mention in this context is made of point 8 (intersessional work program), 9 (reporting requirements), 12 (facilitation and clarification of compliance), 14 (definitions) and 15 (universalization).
6. The next Meeting of the SCE on the General Status and Operation of the Convention will take place from 29 to 30 May 2000 , in Geneva .

Matters pertaining to the intersessional work program

7. Co-chairs of the other four SCEs (on mine clearance, on victim assistance, socio-economic reintegration and mine awareness, on stockpile destruction and on technologies for mine action) made brief presentations on progress achieved thus far and on preparations for the SMSP.

Recommendation:

- > It was recommended that the reports submitted from the SCEs to the SMSP should not exceed 5 pages, should contain an evaluation on progress achieved and recommendations for consideration by states parties at the SMSP. Additional information – if required – could be made available on the website of the GICHD (<http://www.gichd.ch>).

8. Presentations were made on the experience with the first meetings of the intersessional work program and on the way ahead. This intersessional work is meant to promote transparency and predictability, generate resources, secure partnerships and foster cost-effectiveness. Interventions pointed to an overall positive assessment of the work done so far in the SCEs. These reflected also on the need for streamlining and broadening the scope of the SCEs as well as the importance of deepening and broadening the participation in order to contribute to the sustainability of the process.

Recommendation:

- It was recommended that the co-chairs of the SCE on the General Status and Operation of the Convention carry out consultations and formulate concrete suggestions to the May 2000 meeting of the SCE on how the intersessional work program could be adjusted. This SCE could forward recommendations for consideration by the SMSP.

Matters pertaining to the general status and operation of the Convention

a) Reporting requirements (Article 7)

9. A positive assessment was made of the growing support for the Convention with 137 countries having signed or acceded to the Convention and 90 states having ratified it. It was reported that 31 states have already submitted their report on their implementation of the Convention (Article 7) and that 34 states are late. The co-chairs reported that they carried out together with interested states demarches to numerous states parties to encourage them to take whatever steps are necessary to submit reports in a timely manner.

Lessons were learned about difficulties in implementing this provision of the Convention such as the need to translate national data and addressing concerns about confidentiality. A wish was expressed for a higher degree of detail in the reports. The UN-website, <http://domino.un.org/Ottawa.nsf>, where the national reports are available, was presented. Attention was given to possibilities to update the national data on the web interactively and to link these reports to national websites in order to include more information in the reports.

Recommendations:

- It was recommended that co-chairs of the SCE on the General Status and Operation of the Convention continue to coordinate joint actions to encourage compliance with Article 7.
- It was further recommended that the co-chairs of the SCE on the General Status and Operation of the Convention coordinate discussions with the United Nations Department of Disarmament Affairs (UNDDA) and with an open-ended group of interested states with a view to bringing any necessary recommendations, to the May 2000 meeting of the SCE, on the Article 7 reporting process.

b) Stockpiles retained for development and training (Article 3)

10. A variety of views were presented on the issue of stockpiles retained for training and development purposes in accordance with Article 3 of the Convention. There was substantial discussion with respect to the size of stockpiles and the need to keep such stocks to the absolute minimum necessary.

Recommendations:

- It was recommended, in order to promote greater understanding of matters pertaining to anti-personnel mines retained for training and development, that states parties be encouraged to provide, to the May 2000 meeting of the SCE on the General Status and Operation of the Convention, information on the purpose of mines retained and the actual use of any retained mines.
- In addition, it was recommended that States Parties, which have not retained AP mines be invited to provide to the May 2000 meeting of the SCE on the General Status and Operation of the Convention information on their experience concerning training and development.

c) National implementation measures (Article 9)

11. Presenters provided a variety of perspectives on the issue of national implementation measures. Interventions highlighted the role of national institutions established for implementing the convention, the issue of consistency between convention definitions and those proposed for national legislation, and the fact that only a limited number of states parties have enacted implementing legislation.

Recommendations:

- It was recommended, in order to promote greater understanding of the different approaches taken with respect to national implementation measures, that states parties be encouraged to provide, to the May 2000 meeting of the SCE on the General Status and Operation of the Convention, more information on the nature of their particular approaches to meeting obligations under Article 9.
- In addition, it would also be useful to share information on national implementation institutions like national commissions and mine actions centers in the May 2000 meeting of the SCE on the General Status and Operation of the Convention.

d) International cooperation and assistance (Article 6)

12. The UNMAS database "Mine Action Investments", developed with the assistance of Canada, was presented as a means for donors to share information on their activities for the purpose of enhanced

coordination and greater transparency. As part of the presentation, data fields were highlighted which will allow donors to communicate their processes and priorities for funding mine action. The incorporation of these data fields was made as a result of a recommendation made at the September meeting at the mine clearance SCE.

The ICBL provided a number of suggestions with respect to the provision of assistance for mine action. Particular mention was made concerning assistance to support landmine survivors and mine awareness, and the reporting of this assistance.

Recommendations:

- > It was recommended that all donors to mine action be encouraged to participate in entering data in the United Nations Mine Action Service (UNMAS) database, Mine Action Investments, which can be found on the UNMAS website at: <http://www.un.org/Depts/dpko/landmines>
- > It was further recommended that UNMAS be requested to prepare a report for distribution at the May 2000 meeting of the SCE on the General Status and Operation of the Convention on the general state of international assistance for mine action.

e) Facilitation and clarification of compliance (Article 8)

13. Although no case has up to now given rise to the use of the procedures foreseen under Article 8, a discussion was held on examining the operationalization of this Article in order to have all structures and the necessary methodology in place for a smooth execution whenever needed. Mention was made in this context of the duties of the United Nations Secretary General (UNSG).

Recommendations:

- > It was recommended that the United Nations communicate the list of experts under Article 8 to the states parties as soon as possible.
- > It was recommended that the co-chairs of this SCE coordinate discussions with an open-ended group of interested states and other experts with a view to presenting, to the May 2000 meeting of the SCE on the General Status and Operation of the Convention, a document designed to promote clarity with respect to the process and financial administration of the operationalization of the Article.

f) Clearing mined area (Article 5)

14. In follow-up to a referral made at the September 1999 meeting of the SCE on Mine Clearance, the SCE discussed the relationship between the UN Standards on mine clearance and the objectives contained in Article 5 of the Convention. In addition, the SCE discussed the issue of extension of deadlines under Article 5.

Recommendations:

- > Based up on an intervention made by Canada (see Annex A), the sense of the committee was that there was no contradiction between UN standards for mine clearance and Article 5 of the Convention.
- > It was recommended that a dialogue be maintained between mine affected states parties and others concerning the issue of the extension of deadlines, should this be necessary in any particular case.

g) Definitions (Article 2)

15. A variety views were presented on matters related to definitions, with discussion principally focusing on matters pertaining to anti-personnel mines (Article 2(1)), anti-handling devices and anti-vehicle mines (Article 2(3)) and "assistance" (Article 1(c)). In addition, different arguments were made with respect to the value of holding further discussions on issues raised.

Recommendation:

- > It was recommended that the co-chairs undertake informal consultations with interested parties with a view to the possible establishment of an expert group which would examine definitional issues.

h) Universalization of the Convention

16. With regard to pursuing the universalization of the Convention, it was noted that the challenges we face are different than in previous years as 137 states have signed or acceded to the Convention and 90 states having ratified it. There is a wide spectrum of views within states that are still outside the Convention. In promoting universalisation, appropriate objectives and strategies have to be used. A positive assessment was made of the work already being undertaken by a number of governments, international organizations, the International Campaign to Ban Landmines (ICBL) and the International Committee of the Red Cross (ICRC). It was also stressed that thought should be given to engaging non-state-actors in the ban on anti-personnel mines

Recommendations:

- > It was recommended that the co-chairs of this committee and other interested parties continue to undertake efforts to seek further ratifications or accessions, with a short-term target being to seek the 100th ratification by March 1 of this year.
- > In addition, it was recommended that all interested parties share information on their efforts to seek ratifications and report back to the May 2000 meeting of the SCE on the General Status and Operation of the Convention on their efforts.

- > As well, it was recommended that all interested parties bring their plans for universalization to May meeting of the SCE on the General Status and Operation of the Convention and that the co-chairs coordinate the development of a calendar containing events that are relevant to the ratification effort

Matters pertaining to the Second Meeting of the States Parties

17. In the course of its discussions on matters pertaining to the Second Meeting of the States Parties, the SCE considered the following organizational matters related to the SMSP:

- a draft provisional agenda;
- (b) a draft provisional program;
- (c) conference officers;
- (d) the conference secretariat;
- (e) draft rules of procedure;
- (f) reports to and from the SMSP; and,
- (g) budgetary issues.

In addition, the SCE discussed matters pertaining to the venue for the Third Meeting of the States Parties.

Recommendations:

- > It was recommended that the co-chairs consult with interested parties with a view to presenting to the May meeting of the SCE on the General Status and Operation of the Convention a revised draft provisional agenda for the SMSP.
- > It was recommended that the SMSP be held at the Palais des Nations in Geneva.
- > With respect to the SMSP program, it was recommended that the proposed draft provisional program presented to this meeting be adjusted to shorten the amount of time dedicated to the "general exchange of views."
- > It is recommended that the co-chairs engage in informal consultations with a view to proposing to the May meeting of this committee a nomination for the presidency of the SMSP.
- > In addition, it was recommended that the 10 co-chairs of the SCEs serve as vice-presidents of the SMSP.
- > On the SMSP secretariat, it was recommended that Erwin Hofer (Switzerland) serve as Secretary-General of the SMSP.
- > In addition, it was recommended that the United Nations Secretary General appoint an official to serve as executive secretary of the SMSP.
- > On the rules of procedure, it was recommended that the rules of procedure for the First Meeting of States Parties be put forward to the SMSP for adoption, albeit with the amendments discussed.
- > On documentation, it was recommended that
 - a) pre-session documents include: (i) the provisional agenda; (ii) the provisional program; (iii) draft rules of procedure; (iv) a summary of Article 7 reports; (v) draft reports from SCEs limited to 5 pages; (vi) an informative document on the status of the Convention; and, (vii) a provisional list of participants;
 - b) in-session documentation include: (i) a draft final report; (ii) draft reports from the 5 expert groups; (iii) a miscellaneous document which may capture decisions and/or views; and, (iv) a final list of participants;
 - c) post-session documentation include the final report.
- > In addition, it was recommended that all documents be translated into the six languages of the Convention (including the summary document relating to Article 7 reports), with the exception of Article 7 reports which could be accessed in original languages.
- > On the budget for the meeting, no objections were expressed with respect to the adoption of the draft cost estimates supplied by the UNDDA and that the UNDDA could on this basis proceed to procure funds.
- > It was recommended to request the UNDDA to undertake the following:
 - a) to proceed with sending letters, by the end of January 2000, to invite all states to attend the SMSP;
 - b) to subsequently proceed with sending letters to states parties indicating their assessed rate of contribution for the SMSP and,
 - c) to provide a report to the May 2000 meeting of this committee on the status of preparations for the SMSP, including an update on estimated assessed costs received.
- > With respect to the venue for the Third Meeting of States Parties, it was recommended that the co-chairs of the SCE on the General Status and Operation of the Convention coordinate discussions with

other interested parties with a view to presenting, to the May 2000 meeting of the SCE, options pertaining to the venue for the Third Meeting of the States Parties. In addition, it was recommended that states parties consider establishing a system which would see meetings of states parties alternate between Geneva and mine affected regions.

Annex A:

The relationship between UN standards for mine clearance and Article 5 of the Ottawa Convention

January 2000

Canada believes that the difference between the international obligations with respect to Article 5 of the Ottawa Convention and United Nations Technical Standards with respect to humanitarian mine clearance are quite understandable and not in any sense contradictory.

In the case of the Ottawa Convention, Article 5 obliges states to clear all mined areas within ten years of entry into force of the Convention for that state. The article also allows states which are unable to meet this objective to request an extension of that deadline subject to the approval of the States Parties to the Convention. Thus, the Convention acknowledges that clearing all mines from a mine affected country will be long term task involving an ongoing dialogue between States Parties as to what constitutes the clearance of "all mined areas".

In the case of UN technical standards for humanitarian mine clearance, these are standards which are being developed to ensure clarity on the part of both the UN and its implementation agencies as to what standards must be achieved in the clearance of a specific mined areas such as a field, road or other clearly delineated area.

While it will remain the State Parties themselves which ultimately review the implementation of Article 5, it is Canada's view that any state which is able to claim that all of its mined areas have been cleared to UN standards for humanitarian mine clearance will also be able to claim that they have effectively cleared "all" of their mined areas.

Annex B:

A record of those who presented at the request of the co-chairs and of those who participated in the discussion:

Matters pertaining to the intersessional work program

1. Co-chairs of the other four SCEs were asked to make brief presentations on progress achieved thus far in these standing committees. Mr. Gareth Aicken (United Kingdom) did reporting for the SCE on Mine Clearance. Ambassador Hofer. (Switzerland) did reporting for the SCE on Victim Assistance, Socio-Economic Reintegration and Mine Awareness. Mr. Laszlo Deak (Hungary) did reporting for the SCE on Stockpile Destruction. Ambassador Samuel de Beauvais (France) did reporting for the SCE on Technologies for Mine Action.

2. Mr. Steffen Kongstad (Norway) and Susan Walker (International Campaign to Ban Landmines) made presentations on the intersessional work program to date.

Discussion: France, Canada and Austria.

Matters pertaining to the general status and operation of the Convention

3. Mr. Kerry Brinkert (Canada), Mr. Apirat Sugondhabhirom (Thailand), Ms. Carolyn Cooper and Ms. Tamara Malinova (United Nations Department of Disarmament Affairs) and Ms. Mary Wareham (International Campaign to Ban Landmines) were asked to make presentations on matters related to the Article 7 reporting process.

Discussion: France, Canada, ICRC.

4. Mr. Laszlo Deak (Hungary) and Mr. Christian Ruge (International Campaign to Ban Landmines) were asked to make presentations on matters related to Article 3: stockpiles retained for development and training.

Discussion: Japan, Norway, ICRC, Croatia, Spain, ICBL.

5. Mr. Wernfried Köffler (Austria), Mr. Josip Tulicic (Croatia), Mr. Louis Maresca (International Committee of the Red Cross) and Ms. Liz Bernstein (International Campaign to Ban Landmines) were asked to make presentations on matters related to Article 9: national implementation measures.

Discussion: France, Slovenia, Italy, ICRC, UNMAS, Germany, Austria.

6. Mr. Stephane Vigié (United Nations Mine Action Service), Mr. Steven Feller (United Nations Mine Action Service), Mr. Kerry Brinkert (Canada), Mr. Jerry White (International Campaign to Ban Landmines) and Ms. Anne Capelle (International Campaign to Ban Landmines) were asked to make presentations on matters related to Article 6: international cooperation and assistance.

Discussion: Slovenia , Germany , Italy , Japan .

7. Ms. Danielle Haven (Belgium) and Ms. Carolyn Cooper (UNDDA) were asked to make presentations on matters related to Article 8: processes and administration pertaining to the facilitation and clarification of compliance.

Discussion: Switzerland , Norway , Canada , ICBL, UNDDA.

8. Mr. Bob Lawson (Canada) was asked to make a presentation on a matter pertaining to Article 5: clearing mined area.

Discussion: GIC, Norway .

9. Mr. Steve Goose (International Campaign to Ban Landmines) and Mr. Darrach Mac Fhionnbhairr (Ireland) were asked to make presentations on matters related to Article 2: definitions.

Discussion: ICRC, the Netherlands , Switzerland , Austria , Norway , Canada , United Kingdom , Australia , Germany , Ireland , Italy , Mexico .

10. Ms. Jody Williams (International Campaign to Ban Landmines) was asked to make a presentation on the universalization of the Convention.

Discussion: Canada , ICRC, Norway , Italy , ICBL, Austria , Thailand , Ireland .

Matters pertaining to the Second Meeting of the States Parties

Discussion: Switzerland , United Kingdom , Ireland , France , UNDDA, ICBL, Norway , Austria , the Netherlands , Canada , Norway , Australia , New Zealand .

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