



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

INTERSESSIONAL PROGRAMME 2003-2004

STANDING COMMITTEE ON THE GENERAL STATUS AND OPERATION OF THE CONVENTION

Meeting Report 9 February 2004

I. Introduction

Pursuant to the decisions of the Fifth Meeting of the States Parties (5MSP) to the Convention, the meeting of the Standing Committee on the General Status and Operation of the Convention (SCGS) was convened by its Co-Chairs, Ambassador Chris Sanders of the Netherlands and Ms. Socorro Roviroso of Mexico, with the support of its Co-Rapporteurs, Ms. Hine-Wai Loose of New Zealand and Ms. Nontombi Makupula of South Africa. The meeting was held in Geneva with the support of the Geneva International Centre for Humanitarian Demining (GICHD).

The agenda focused on issues such as universalization, resource mobilization and reporting obligations that need to be addressed in order to achieve the Convention's core humanitarian aims. The agenda was forward-looking and provided the opportunity for States Parties to fulfill the mandate of the 5MSP to "continue to share information and views, particularly with respect to Articles 1, 2 and 3 with a view to developing understandings on various matters by the First Review Conference."

II. Overview of the general status of implementation

Ambassador Chaiyong Satjipanon of Thailand, on behalf of H.E. Dr Surakiart Sathirathai, Minister of Foreign Affairs of Thailand and President of the 5MSP, set the scene for the week in his update on the implementation of the 5MSP President's Action Programme, noting that it called upon States Parties to renew commitments to implement the Convention. Mine affected States Parties were urged to ensure that plans were in place and concrete steps taken before the Review Conference to achieve full implementation of the Convention, all actors were urged to pursue universalization, and States not parties were urged to join the common effort that has supported social and economic development, human security and multilateralism. The importance of using all available means to achieve progress on the Convention's core humanitarian aims in the lead-up to the Review Conference was emphasised.

Romania and **Burkina Faso** reported on recent regional activities. The 2-3 February 2004 workshop in Bucharest marked the completion of universalization of the Convention in South Eastern Europe and hence focused on all aspects of implementation in the region. The 28-29 January 2004 seminar held in Ouagadougou similarly assessed progress in implementing all aspects of the Convention in West Africa. The outcomes of these events were encapsulated in the "Ouagadougou Appeal" and the "Reay Group Workshop Chair's Summary." In addition, **Lithuania**, as the first Baltic country to join the Convention, informed the SCGS of a regional seminar to be held in Vilnius in June.

Speaking on behalf of all UN agencies involved in mine action, the Director of the **United Nations Mine Action Service**, reported on the revisions to and implementation of the United Nations Five-Year Mine Action Strategy.

III. Overview of the General Status and Operation of the Convention

Shannon Smith of Canada, **Coordinator of the Universalisation Contact Group**, provided an update on universalization, noting that there are now 141 States Parties to the Ottawa Convention and that since the 5MSP Belarus, Burundi, Greece, Serbia and Montenegro, Sudan and Turkey had joined

the Convention. The importance of maintaining momentum in advance of the Review Conference was stressed and stakeholders were encouraged to maximize available opportunities for universalisation.

Four States not parties to the Convention provided updates on steps taken to join the Convention: **Estonia** reported that it had been in compliance with the Convention since its entry into force and had provided funding for mine action. Progress towards acceding to the Convention was well underway. **Papua New Guinea** reported that Parliament had formally approved ratification of the Convention and it was now a matter of the Minister of Foreign Affairs signing the instrument of ratification. **Sri Lanka** indicated that it was continuing to review its position on the Convention and that it had embarked on a comprehensive mine action programme with the objective of being mine free by the end of 2006. **Palau** reported that it is taking every step to soon join the Convention.

A number of States Parties and relevant organizations also contributed to the discussion on universalization: **Bangladesh** noted that it was the only State that has acceded to the Convention in South East Asia and called on all the South East Asian States to sustain the momentum that had been generated in Bangkok until the Review Conference. **Belarus** reported while it had recently joined the Convention it would require assistance in stockpile destruction. **Colombia** stressed the importance of addressing the issue of non-state actors. **Japan, Italy, Turkey, Senegal, Rwanda, Serbia and Montenegro**, the **ICBL** and the **ICRC** also participated in this discussion.

IV. Mobilizing resources to achieve the Convention's humanitarian aims

Mereto Lundemo of Norway, **Coordinator of the Resource Mobilization Contact Group**, reported that 42 States have been donors to mine action and that information had been made available on 18 mine affected States Parties which have provided more than US\$180 million of their own funds to mine action. It was noted that the financial commitment to mine action has remained relatively constant even though public awareness of the landmine issue peaked some time ago. In addition, it was highlighted that the Contact Group had discussed how the dual nature of mine action – as both a humanitarian and development issue – should make it more open to opportunities for flexible financing. Concern was expressed, however, regarding the risk of mine action falling into a gap between relief and long-term development.

The **Asian Development Bank** (ADB), a multilateral financial institution dedicated to reducing poverty in Asia and the Pacific, presented on its operations and support for mine action. The ADB extends loans and equity investments to its developing member countries for economic and social development. Opportunities for mine action are located in the Country Strategy and Program (CSP) and Sub-regional Cooperation Strategy and Program (SCSP). It noted that the initial Afghanistan country strategy detailed mine action in the context of challenges ahead for that country.

Canada, Italy and the **European Commission** contributed to the discussion on resource mobilization, stressing that sustainable funding and effective use of resources required greater coordination, mainstreaming, comprehensive analysis and geographic and thematic approaches.

V. Overview of Article 7 Reporting

Paul Huynen of Belgium, **Coordinator on the Article 7 Contact Group**, recalled the emphasis States Parties at the 5MSP had placed on reporting before the Review Conference. He reiterated the importance of reporting as a legal obligation, transparency measure, and reinforcement of humanitarian measures and that it provided an important guide to donors where resources were needed. It was noted that the rate of initial reporting had increased to 88 percent but that the overall reporting rate had declined to 65 percent in 2003 from a rate of 74 percent in 2002.

The Director of the **United Nations Department of Disarmament Affairs** (UNDDA) Geneva Branch reminded States Parties to send Article 7 reports to Geneva. The Co-Chairs recommended that the Article 7 Contact Group, individual States Parties, the President of the 5MSP and relevant organizations continue to promote Article 7 reporting.

Interventions were made by **Sierra Leone**, the **ICBL**, **Greece**, the **OAS** and **Jordan**.

VI. Towards common understandings on Articles 1, 2 and 3

The **Netherlands**, as Co-Chair, said that it would suggest elements for common understandings on Articles 1, 2 and 3 which States Parties may wish to accept at the Review Conference. It noted that it was important to make tangible progress on these issues and in this context it presented a non-paper on possible elements for a common understanding on Article 1 regarding the word "assist". **Norway** welcomed the sharing of information on Articles 1, 2 and 3 and "best practices". It stated that States Parties may adopt conclusions at the Review Conference and noted, however, that it was not customary in international treaty law to agree on interpretation. **Mexico** recalled that Articles 1, 2 and 3 had been under review for more than four years and said that every effort should be made to reach common understandings by the Review Conference.

The **ICRC** presented papers and draft language on Articles 2 and 3. The **ICBL** welcomed the Netherlands' initiative on Article 1 and noted that the language had been floated for over a year and was based on States Parties statements in recent years. It also noted that States Parties were close to agreement on Article 2 in relation to sensitive fuses, but a common understanding on anti-handling devices may prove to be more difficult. On Article 3, the **ICBL** stated the understanding that mines retained in accordance with Article 3 should number in the hundreds or thousands, not in the tens of thousands had been discussed since 1997 in Oslo, where a large number of delegations stated this was their understanding, and that it should therefore be an easy exercise to conclude this discussion.

Experiences in implementing Article 1

Kenya underlined the need for a common understanding, urging States Parties to study the implications of co-operation with States not parties, as there was potential for considerable conflict with the Convention's objectives. **Japan** stated that States Parties should not assist States not parties to the Convention in carrying out such activities that are banned under the Convention. Therefore, Japan's Defense Forces did not use anti-personnel mines in joint operations, including joint exercises. It was noted that Article 1.c is closely related to the Article 9 obligation to prevent and suppress prohibited activities in areas under one's jurisdiction or control.

Experiences in implementing Article 2

Jordan supported the **ICRC**'s paper. **New Zealand** also supported the **ICRC**'s paper in that it regarded anti-vehicle mines that could be "exploded by the presence, proximity or contact of a person" to be anti-personnel mines. It argued that focusing on the design of anti-vehicle mines could open the possibility for States Parties to deploy excessively sensitive types thus compromising the humanitarian objectives of the Convention. It also supported the view that an anti-vehicle mine with an anti-handling device which was designed to be prone to accidental detonation effectively was an anti-personnel mine. The **ICBL** supported the language proposed by the **ICRC** emphasizing that the proposal in paragraph 2 was already the practice of States Parties and expressed hope that an agreement could be reached on anti-handling devices.

Experiences in implementing Article 3

Jordan stated that it supported the **ICRC**'s position on Article 3 and stated, "1,000 mines were more than enough." **Japan** informed the SCGS that as of December 2003 it had retained 8,300 anti-personnel mines, which represented a significant decrease from 15,000 at the time of entry into force of the Convention. It also expressed the view that Article 3 was self-explanatory in terms of the limit on the number of anti-personnel mines that could be retained, as "the amount of such mines shall not exceed the minimum number absolutely necessary". **South Africa** questioned the objective of calling for reporting on the use of mines retained in accordance with Article 3. The **ICRC** replied that Article 3 created an exception on what was otherwise a complete prohibition and thus needed to be interpreted conservatively and consistently. The call for reporting on intended purpose and actual use

would be an important confidence building measure. **France** reported that it had retained 4,500 anti-personnel mines. **Algeria** indicated a desire for continued discussions on this issue.

The Co-Chair summarized the exchanges on Articles 1, 2 and 3. He considered the SCGS has concluded the discussions on Article 3 and he would like to now refer this matter to the Friends of the President on Conclusions. The Co-Chair encouraged extensive discussions on Article 1 during the June intersessional meetings and informed the Standing Committee that the Co-Chairs would undertake further consultations on Article 2.

VII. The Convention's compliance provisions

Updates on implementation of Article 9

The **ICRC** provided an update on measures taken by States Parties in accordance with Article 9 and presented a table of "National Implementation Measures" reported by States Parties in their Article 7 reports. The ICRC reminded States Parties that they were required to implement penal sanctions and indicated that 35 States Parties out of the total 141 had adopted implementing legislation. **Afghanistan**, the **Democratic Republic of Congo** and **Zambia** reported on progress made on establishing implementing legislation. **Chile** and **Slovenia** noted that they already had sufficient legislation and therefore would not be introducing legislation specific to the Convention.

Update on the dialogue related to facilitation and clarification of compliance

The Co-Chairs noted that for some time Canada has worked with interested parties on a dialogue on means to facilitate the clarification of concerns about compliance. **Canada** informed delegations while there had not been any further proposals for dialogue on this issue, considerable progress in this was made last year. In particular, the dialogue reinforced that compliance is first and foremost the obligation of individual States Parties in that in accordance with Article 9 of the Convention, States Parties are obliged to take "all appropriate legal, administrative and other measures ... to prevent and suppress any activity prohibited to a State Party under this Convention". In addition, it was noted that the ICRC had reminded States Parties to include the operationalization of Article 8 of the Convention ("Facilitation and Clarification of Compliance") as one aspect of domestic legislation developed in accordance with Article 9. In this regard, Article 9 represents the "first line of defence" a State Party has to ensure compliance with the Convention's obligations.

The **ICBL** expressed the view that there had been a violation regarding Turkmenistan's decision to retain more than 69,000 anti-personnel mines in accordance with Article 3. It argued for mechanisms to resolve compliance concerns. The ICBL also called for further work on operationalizing Article 8 and, in particular, called on States Parties to require the UN to take the necessary steps in order to be ready to fulfill its treaty-mandated role, should this be required.

VIII. The general operations of the Convention

Coordinating Committee Update

Ambassador Chaiyong Satjipanon of Thailand, **Chairperson of the Coordinating Committee**, updated the SCGS on the Coordinating Committee's activities since the 5MSP, noting that the Coordinating Committee had met three times since the 5MSP to ensure effective preparations for the Intersessional Work Programme. It was noted that President's Summaries of Coordinating Committee meetings can be found at www.gichd.ch.

Sponsorship Programme

John Wattam, **Coordinator of the Sponsorship Programme**, reported that at 5MSP support was provided to 76 delegates from 56 States at an average cost of CHF 2,883. The year 2004 would be challenging for the Programme as rising expectations had to be managed against budgetary

constraints. The Programme had provided support for 78 delegates at the 9-13 February 2004 meetings and it was closely tying support to commitments by delegates to actively participate.

Implementation Support Unit

The **Director of the Geneva International Center for Humanitarian Demining** (GICHD), Ambassador Martin Dahinden, and the **Manager of the Implementation Support Unit** (ISU), Kerry Brinkert, provided updates on the activities of the ISU, noting that 2004 was a busy year for the ISU with increased demands being placed upon it by States Parties in advance of the Review Conference. It was also reported that increased efforts were being made to highlight how all States Parties could maximize the Convention's implementation mechanisms. **Austria** and **Croatia** made short interventions pledging their continued financial support of the ISU.

IX. Other matters

Croatia reiterated its offer to host the next Meeting of States Parties.