



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

**STANDING COMMITTEE ON
THE GENERAL STATUS AND OPERATION OF THE CONVENTION**

**Meeting Report
February 1, 2002**

Introduction:

In accordance with the decisions taken at the Third Meeting of States Parties (3MSP) to the Convention in Managua, the Standing Committee on General Status and Operation of the Convention (SC-GSO) held its First Meeting on 1 February 2002 in Geneva. The agenda for the meeting was based upon suggestions and priorities contained in the 3MSP President's Action Programme.

The Co-Chairs opened the meeting by expressing their satisfaction with work undertaken during the course of the last year, particularly the last Intersessional Programme, the successful 3MSP, the high level of support for the annual United Nations General Assembly resolution on the Convention and the fact that 122 States have now formally accepted the Convention. The standard set by the Convention has become an accepted international norm. The Co-Chairs also remarked that universalization remains a high priority given the continuing problems associated with AP-mines, as does addressing concerns about compliance that have been brought to States Parties' attention.

Review of Intersessional Work Programme:

As requested by the 3MSP, Nicaragua, as President of the 3MSP and Chair of the **Coordinating Committee (CC)**, informed the SC-GSO that the CC met four times since the 3MSP and devoted much of its work to the preparation of the Intersessional Programme of Work and discussions on the agendas of the different Standing Committees. In addition, the CC began considering further improvements in the format, timing and work of the Standing Committees. Nicaragua reported that, in order to ensure a high degree of transparency, the President prepares summary reports of the CC meetings which are posted on the web site of the Geneva International Centre for Humanitarian Demining (GICHD) and translated into French and Spanish. Several delegations commented on the important contributions of the CC to the effective operation of the Intersessional Work Programme and to preparations for Meetings of the States Parties. Delegations also welcomed the report by the President on the functioning of the CC, which is performing its tasks in accordance with the decisions taken at the 3MSP, and expressed satisfaction about the fact that the Presidency has made summaries of meetings available.

The Director of the GICHD, Ambassador Martin Dahinden, informed the SC-GSO about the status of the **Implementation Support Unit (ISU)**, the establishment of which was mandated by the 3MSP. Ambassador Dahinden reported that an agreement between the President of 3MSP and the GICHD was signed in November 2001 and circulated to States Parties. A budget for the unit has been established and a manager for the ISU, Mr. Kerry Brinkert, was selected. A voluntary trust fund has been set up to cover the budget of the ISU. Australia, Belgium, Norway and South Africa have already contributed. Ambassador Dahinden also pointed out that the budget of the ISU was relatively small because the infrastructure for the unit would be provided by the GICHD and invited States Parties to consider contributing to the trust fund. Mr. Brinkert stressed that the ISU was established to assist and enhance the work of States Parties without replacing the efforts of individual States Parties. Mr Brinkert also outlined that the ISU's duties are based on and consistent with the mandate agreed upon at the 3MSP.

The rapid establishment of the ISU and the appointment of Mr. Brinkert as the manager of the unit were welcomed by several delegations, many of which made pledges of financial support for the ISU.

The coordinator of the **Sponsorship Programme**, Mr. Peter Sagar of Canada, informed the SC-GSO about the achievements of the Programme, which was established to facilitate broader participation by representatives of States Parties from mine-affected developing countries and to provide support for speakers for meetings of Standing Committees. The program also provides support for delegates from non States Parties that have shown a clear interest in adhering to the Convention. Mr. Sagar reported that the number of sponsored participants has continuously increased reaching 64 delegates and 7 speakers for the January 28 – February 1, 2002 meetings. Mr. Sagar also thanked the GICHD for its role in the implementation of the programme, which it carries out without any additional costs to the programme. Great appreciation was expressed for the Sponsorship Programme and for its contribution to an enhanced participation of delegates at MSPs and meetings of Standing Committees as well as for the GICHD's administration of the program. Some delegations took the opportunity to pledge financial support to the program.

The Co-Chairs took note of the comments and welcomed the new pledges to the ISU and the Sponsorship Program and reminded States Parties that additional resources are needed.

Universalization of the Convention:

The Co-Chairs welcomed the recent formal acceptance of the Convention by Algeria and Nigeria and expressed their conviction that the goal set by the 3MSP of reaching 130 ratifications before the 4MSP was achievable.

Canada reported on the work of the open ended Universalization Contact Group. At the last meeting, the Contact Group discussed follow-up actions on previous activities and identified specific tasks and concrete actions for its members. The Contact Group was also of the opinion that the goal of having 130 ratifications before the 4MSP was realistic and considered that the ISU could enhance the work of the Contact Group.

Thailand announced a seminar on universalization, "Landmines in Southeast Asia," in Bangkok, May 13-15, 2002 with the support of Australia, Canada and Japan. Tunisia reported on a seminar for Northern Africa countries which took place in Tunis in January 2002 with the assistance of Canada.

Several delegations expressed support for the regional seminars and reiterated the great importance of universalization, with some delegations warning that the universalization process is slowing down. It was the Co-Chairs' view that there was a common understanding that universalization should remain high on the agenda of the SC-GSO, and that increasing the number of States Parties is important to further consolidate the Convention as an international norm.

Compliance with Article 7:

Ambassador Lint of Belgium, in his capacity as co-ordinator of the Article 7 Contact Group, reported on the current status of Article 7 reporting: 77 States Parties are up to date with their Article 7 reporting; 34 States Parties are late with their initial Article 7 report; 60 States Parties have sent their update in 2001 and 15 States Parties are late with their Article 7 update which was due in 2001. Seventeen States Parties have made use of the optional Form J. Ambassador Lint reminded the Committee of the April 30, 2002 deadline for submitting annual updates, which are to be sent to UNDDA in New York (e-mail: malinova@un.org). He also announced that the Article 7 Contact Group was preparing a non-paper for the May meeting, which will suggest the inclusion of a cover sheet into the Article 7 reporting format.

Burkina Faso informed the SC-GSO about the status of Article 7 reporting in Africa. VERTIC announced that the Article 7 Reporting Handbook has been translated into the six UN-languages and was available from the United Nations or at www.vertic.org. The ICBL referred to the Landmine Monitor Fact Sheet on Article 7 and stressed the importance of the reporting obligation. The Co-

Chairs also stressed that Article 7 reporting was an obligation and urged the States Parties to submit their reports in a timely manner and to make use of Form J.

Dialogue on the Operationalization of Article 8:

The Co-Chairs recalled that the 3MSP requested Canada to work with interested parties on a dialogue on means to facilitate the clarification of concerns about compliance and on the operationalization of Article 8. Canada presented a non-paper, which identified a set of questions for the continuation of a dialogue on this issue. These questions included viewing compliance, at least in part, in the context of cooperation to facilitate implementation. Canada invited parties to provide input to the discussion and expressed its intention of reporting to the May meeting of the SC-GSO on the discussions.

The role of Canada on this subject was commended by several delegations. There was a general agreement that the paper submitted by Canada could be the basis for further discussions. France offered to continue with a study on how other legal instruments deal with the issue of compliance in order to identify possible lessons for the Convention. Brazil suggested the establishment of an open-ended group to discuss the issue, while several delegations considered the SC-GSO to be an appropriate open-ended forum to hold these discussions, provided that additional time was allocated to it. VERTIC announced that it is working on a new guide to assist States Parties with the implementation of the Convention. The ICBL stated that the matter of the operationalization of Article 8 should be dealt with a sense of urgency and that States Parties should be prepared to invoke Article 8 should a serious breach of the Convention occur. The ICRC reported on its approach to responding to allegations of violations of international humanitarian law, including violations of instruments like the Convention.

The Co-Chairs concluded that there was a clear desire that discussions on this issue shall continue. They welcomed the offer made by Canada to continue with its role on this subject and stated that lessons could be learned from other fields on how to promote compliance.

Matters pertaining to Compliance Concerns:

The Co-Chairs stressed the importance of States Parties devoting attention to the issue of compliance and reminded meeting participants that at the 3MSP, preliminary views about some allegations of possible non-compliance by States Parties were exchanged.

Uganda asked for the floor and addressed the allegations of production and use of AP-mines that were reported in the 2001 issue of Landmine Monitor. Uganda denied the allegation of production of AP-mines and referred to an inspection tour that had taken place in the alleged facility with the participation of representatives of several countries. Regarding the alleged use of AP-mines by Ugandan forces in the territory of the Democratic Republic of Congo, the delegation pointed out that its forces have withdrawn from the area in question. Uganda acknowledged that its government has received the allegations, which it is examining closely. A joint commission of inquiry has been established by Uganda and Rwanda to determine the circumstances of the clashes in the Democratic Republic of Congo, including any violations of international humanitarian law. Uganda continued by reiterating its full commitment to compliance with all articles of the Convention.

Several delegations stressed the importance of full compliance for the credibility of the Convention. Several delegations also welcomed the comments from Uganda.

The ICBL raised the issue of use of AP mines in Tajikistan by the Russian Federation, as reported in Landmine Monitor 2001, and the importance of States Parties seeking clarification from Tajikistan on its role in this matter. The ICBL expressed its hope that States Parties will follow up on this matter.

The Co-Chairs took note of the comments and emphasized the importance for the credibility of the Convention of responding to allegations of non-compliance and also underlined the value of dialogue in the spirit of cooperation.

Matters Pertaining to Mines Retained under Article 3:

The Co-Chairs reminded the meeting that there was a convergence of views regarding the number of AP-mines that can be retained under Article 3, which should be the minimum number absolutely necessary and be numbered in the hundreds or thousands, and not in the tens of thousands. Moreover, States Parties were encouraged to report on the intended purpose and actual use of AP mines retained under Article 3.

The ICBL referred to the Landmine Monitor Fact Sheet on this issue and recalled its position that AP mines are not needed for training and development purposes. Some delegations commented on the Fact Sheet.

The Co-Chairs reiterated their view that there was a common understanding of this matter and encouraged States Parties to indicate in their Article 7 Reports the purpose of mines they are retaining for training and development purposes.

Matters pertaining to the Interpretation of Article 1(c):

The Co-Chairs referred to the President's Action Programme, which suggests further discussions of States Parties' understanding of the word "assist" in Article 1(c) and encourages States Parties to share information on their national views.

Norway referred to a situation in which a publicly owned investment fund was found to have shares in a company in another country (non State-Party) that, inter alia, produced AP mines. An internal investigation of this matter concluded that such an investment could be subsumed under Article 1 (c). As a consequence, the investment was terminated.

Brazil stated that joint military operations between a State Party and a non State Party which may involve use of AP mines are clearly banned by the Convention. Such operations should be considered illegal even if the involved State Party does not participate directly and actively in the usage of AP-mines. The term "assist" should be given as broad an interpretation as possible. Regarding the stockpiling and transit of foreign-owned AP-mines, Brazil stated that the indefinite retention of such mines on the territory under the control and jurisdiction of a State Party is incompatible with the spirit and letter of the Convention.

Some delegations supported the views expressed by Norway and Brazil. The ICBL gave examples of the current situation in Afghanistan and the joint deployment of troops of States Parties and non States Parties, and referred to a possible transfer of AP-mines through the territories of States Parties to Kosovo in 1999. The ICBL stressed that a common understanding of this matter would strengthen the Convention.

The Co-Chairs took note of the comments and announced that time will be made available to discuss this matter in more detail at the May meeting.

Promotion of the establishment of National Implementation Legislation, Article 9:

The Co-Chairs recalled the work undertaken by the ICRC in developing an information kit on the development of national implementation legislation.

The ICRC gave an update on the establishment of national implementation legislation. Brazil announced that a law penalizing the activities prohibited under the Convention has been enacted in October 2001. The ICBL expressed its disappointment that only 32 out of 122 States Parties have established domestic implementation legislation in accordance with Article 9 of the Convention and stressed the importance of establishing penal sanctions.

Exchange of views on issues related to Article 2:

The Co-Chairs recalled the attention that matters related to Article 2 have received over the past year and that the President's Action Programme suggested that dialogue on these matters be continued. In light of time constraints, the Co-Chairs suggested to revert to the matter at the May meeting. The Co-Chairs also recalled the ICRC Experts Meeting in March 2001, where possible best practices were identified regarding anti-vehicle mines with sensitive fuses or sensitive anti-handling devices and that States Parties have been encouraged at the 3MSP to review the mines in their inventories in order to minimize the risk they pose for the civilian population.

Some delegations expressed their initial views on this matter. The ICBL reiterated that it attaches great importance to this issue and expressed the wish that countries would present their state practices at the SC-GSO meeting in May. The ICRC and Human Rights Watch announced that they have prepared background papers regarding the interpretation of Article 2 to assist States Parties in their preparations for the May meeting. These papers can be obtained electronically at www.gichd.ch. A representative from ICBL stated that more information on this issue was available at www.landmineaction.org.

Preliminary Preparations for 4MSP:

In keeping with past practice, the SC-GSO recommended to the 4MSP a Draft Provisional Agenda, a Draft Programme of Work, Draft Rules of Procedure as well as that all documents be issued in the six languages of the Convention, except for the reports under Article 7, which are accessible on the UNDDA website, and information documents. Regarding Draft Estimated Costs for the 4MSP prepared by the UNDDA, Ambassador Lint, President Designate of the 4MSP, made the following proposals of amendments:

1. reduce the "pre-session, in-session & post-session documentation" costs from US\$ 307,300 to US\$ 163,100, which would correspond with the estimates of the 2MSP (Geneva, September 2000);
2. eliminate US\$ 3,700 for "travel of conference-servicing staff", given that the UNDDA Office in Geneva could provide the appropriate personnel;
3. eliminate US\$ 8,000 for "travel of DDA staff to preparatory meetings", an expense which is not needed ;
4. eliminate US\$ 9,100 for "travel of United Nations Secretary General or his representative", for the same reasons explained above.

Many delegates agreed with the proposals made by Ambassador Lint, with others suggesting that cost savings could even go further. UN-DDA was therefore requested to produce, for presentation at the May meeting of the SC-GSO, revised and significantly reduced Draft Cost Estimates for the 4MSP. However, the Co-Chairs noted that the discussion that took place at the SC-GSO provided a sufficient basis for the United Nations to request provisional assessments from States Parties for the 4MSP. In addition, the Co-Chairs noted that all States should be invited to attend the 4MSP.

It was also recommended that Switzerland be designated as the Secretary General of the 4MSP in order to undertake the role of coordinating a wide range of activities in support of the Meeting, including the opening ceremony and a number of side events. As well, pursuant to past practice and the draft rules of procedure, the SC agreed to request that the UN Secretary General nominate an Executive Secretary for the 4MSP.

Other Matters:

A ceremony for landmine survivors who participated in the "Raising the Voices Program" was held.

Thailand recalled its offer to host the 5MSP and asked the SC-GSO to convey the offer to the States Parties for consideration.

In their closing remarks, the Co-Chairs noted that there was active participation by the States Parties, International Organisations, the NGO community and those affected by mines. In addition, they noted that as in the past, the intersessional week demonstrated its value as the main forum to address substantial issues as well as being a meeting place for contacts and networking among the various actors.

The Director of the GICHD said that 467 representatives registered during this Intersessional week, far more than originally expected.

The ICBL made closing remarks noting the dynamic nature of the Convention implementation process.

In its closing remarks, the Nicaraguan Presidency noted that the week had been marked by a concerted and cooperative demonstration of efforts to address some serious matters related to the general status and operation of the Convention. Nicaragua strongly encouraged this cooperative effort to continue in May, reminded States Parties that reports required under Article 7 were due before the May meetings and informed meeting participants that an important area of work for the Coordinating Committee in the lead up to May will be to consider enhancements that could be made to the Intersessional Program.