



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

INTERSESSIONAL PROGRAMME 2004-2005

STANDING COMMITTEE ON THE GENERAL STATUS AND OPERATION OF THE CONVENTION

**Meeting Report
13 and 17 June 2005**

I. Introduction

The meeting of the Standing Committee on the General Status and Operation of the Convention (SCGSO) was convened by its Co-Chairs, Ambassador Tim Caughley of New Zealand and Ambassador Glaudine Mtshali of South Africa, with the support of its Co-Rapporteurs, Mr. Alain Van Gucht of Belgium and Mr. Carlos José Arroyave Prera, Guatemala, on 13 June 2005, in Geneva.

In opening the meeting, Co-Chairs explained that the programme for the Standing Committee was based on the Nairobi Action Plan with the agenda for the meeting structured to enable an informal exchange of information and views on a range of pertinent actions in the Nairobi Action Plan, including universalization, resource mobilisation, transparency reporting, matters pertaining to Articles 1, 2, 3, 8 and 9, other relevant areas of implementation and the general operation of the Convention. In addition, views would be exchanged on procedural matters concerning the Sixth Meeting of the States Parties (6MSP).

The Co-Chairs also reminded States Parties that:

- It had been the practice of States Parties to take decisions regarding Standing Committee Co-Chairs and Co-Rapporteurs at the annual Meetings of the States Parties.
- The Co-Chairs of the SCGSO had traditionally undertaken the task of consulting and identifying a list of nominees to serve as Co-Rapporteurs.
- And, that in undertaking these consultations Co-Chairs have kept in mind principles that have become customary to States Parties – such as ensuring a regional balance, representation of mine-affected and non-mine-affected State Parties, and the need for continuity and at the same time rotation.

In this regard, the Co-Chairs informed the States Parties of their intention to again proceed in this manner with a view to developing a list of prospective Co-Rapporteurs for presentation to the States Parties in the coming months. The Co-Chairs asked that interested States Parties express their interest to one of them as soon as possible. In addition, they reminded those States Parties that were interested in serving as Co-Rapporteurs between the Sixth and the Seventh Meetings of the States Parties that if past practise prevailed they would be making a two-year commitment to responsibilities, as after serving one year as Co-Rapporteurs, States Parties were subsequently elected to serve as the Co-Chairs of their respective Standing Committees.

II. Overview of the general status of implementation: Update on the pursuit of the aims of the Nairobi Action Plan.

The President of the First Review Conference, Ambassador Wolfgang Petritsch of Austria, provided an overview of the general status of implementation by highlighting the following efforts in the pursuit of the aims of the Nairobi Action Plan:

- Universalization: After the deposit by Ethiopia of its instrument of ratification on December 17, 2004, there were 144 States Parties to the Convention. That number could approach 150 by the next Meeting of States Parties.
- Stockpile destruction: The number of States Parties for which Article 4 obligations remained relevant had been reduced to 14. The Co-Chairs of the Standing Committee on Stockpile Destruction set themselves an aim to reduce this number to 8 by the end of this year.
- Mine clearance: At the end of the Nairobi Summit, 47 States Parties were still in the process of fulfilling mine clearance obligations, and 24 of them have to do so before January 1, 2010. Since the Nairobi Summit, Suriname reportedly had fulfilled its clearance obligations, and 4 States Parties had demonstrated that it was possible to fulfil those obligations. It was emphasised that Article 5 required all mined areas to be cleared.
- Victim Assistance: This mainly concerned 24 States Parties. The Co-Chairs of the Standing Committee on Victim Assistance were assisting affected States Parties in developing objectives and plans for 2009. Two regional workshops had been organised this year.
- Cooperation and assistance: The Coordinator and members of the Resource Mobilisation Contact Group had focused on matters concerning the effectiveness and efficiency of mine action, and on mainstreaming mine action through broader humanitarian, development, peace-building and peace support programmes.
- Transparency and information exchange: Fewer reports had been received in comparison to last year, when, in the lead-up to the Nairobi Summit, the reporting rate exceeded 80 percent.
- Preventing and suppressing prohibited acts: Since Nairobi, at least four States Parties had reported the adoption of legislation in the context of Article 9 obligations.

Ambassador Petritsch expressed his gratitude for the considerable amount and high quality of the work undertaken by the Implementation Support Unit (ISU) of the GICHD during the preparation of the Nairobi Summit, at the Summit itself and in the intersessional period. He also reminded States Parties of their commitment to support the implementation mechanisms of the Convention.

The 1997 Nobel Peace Prize co-laureate, Ms. Jody Williams, also expressed her gratitude to the ISU and for the fact that some 60 NGO representatives were participating in the week of Standing Committee meetings. She emphasized the value of the Nairobi Action Plan for the implementation of the objectives of the Convention, especially with regard to meeting the expectations of the victims. She also stressed that mine action was not just taking mines out of the ground, and that meeting the needs of landmine survivors was not just a humanitarian gesture: It was a treaty compliance issue.

III. Overview of the status of universalization

The Co-Chairs recalled that, by adopting Actions 1 – 8 of the Nairobi Action Plan, States Parties agreed to make all efforts to press for universalisation of the Convention. Priority States would be those that continue to use, produce or possess large stockpiles of AP mines and particular attention would be accorded to promoting adherence in the Middle East and Asia, and amongst the members of the Commonwealth of Independent States. An essential element of the work on universalisation was the promotion of the universal observance of the Convention's norms, which necessarily included condemning and taking appropriate steps to end prohibited activities by armed non-state actors,

Canada, in its capacity as **Coordinator of the Universalization Contact Group**, called on all States Parties to embrace those challenges with the same spirit of cooperation that had become a trademark of the Convention. Congratulations were extended to Latvia, Vanuatu, and Ukraine, which had recently completed their internal accession and ratification processes. Canada emphasized that it was precisely this spirit of cooperation that was instrumental in bringing those countries on board. Bhutan and Somalia announced their intention to join the Convention before the end of 2005. With the adherence of Somalia, a 100% adoption rate in Sub-Saharan Africa would be achieved. It also noted that 25 States not parties participated in the Nairobi Summit as observers with some of them, including China, Mongolia and Sri Lanka, indicating that they were considering submitting voluntary transparency reports in line with Article 7, and had stressed their support for the goals of the Convention.

The following States not parties provided updates on steps towards ratification or accession:

- **Ukraine** reported that on 18 May 2005, its Parliament unanimously approved the law for ratification of the Convention, and emphasized that this was possible thanks to the successful negotiations with the European Union (EU) concerning the destruction of 6 million PFM type mines. Ukraine stressed the need for mobilization of adequate resources by means of practical cooperation.
- **Latvia** confirmed the ratification of the Convention by its Parliament on 19 May 2005, and underlined that even before this event it had respected the obligations of the Convention.
- **Bhutan** indicated that the Convention had been submitted to the legislative assembly and that the instrument of accession would most likely be deposited in July 2005.
- **Iraq** reported on the existence on its territory of a large number of minefields and unexploded ordnance (i.e., 4,080 minefields and 9,995 areas including mines and unexploded ordnance). A National Board for Mines Affairs, a subsidiary committee in the Ministry of Planning, was established at the end of 2003. The Board adopted a strategic plan for mine clearance and assistance to victims that would continue until 2009. To implement this plan, Iraq was seeking technical support from the international community.
- **Sri Lanka** stated that it would submit a voluntary transparency report during the meeting that would not include information about its stockpiles. Sri Lanka indicated that it was in the process of implementing a comprehensive mine action programme in order to realize the target of achieving a mine free country by 2006. Two army contingents, 2 local NGOs and 8 international NGOs were involved in demining in Sri Lanka. Sri Lanka's intention was to accede to the Convention on Certain Conventional Weapons (CCW) and submit a voluntary transparency report as testimony of its constructive attitude concerning anti-personnel (AP) mines and expressed the hope that a propitious climate could accelerate its accession to the Convention.
- **Haiti** reported that its ratification process, which was delayed by an internal political crisis, could probably be achieved by the first semester of 2006.
- **Azerbaijan** explained that its mine problem was mainly the consequence of the armed conflict with Armenia, and that the situation was worsened by the fact that in many cases there were no maps with exact minefield locations. It indicated that a rehabilitation programme had been developed and would be implemented when the conflict in Nagorno-Karabakh was settled. This programme would include an exchange of all known information on emplaced mines. Nevertheless, considerable international assistance would be needed to implement large-scale demining operations. **Armenia** stated that peace between Armenia and Azerbaijan would open the prospects for accession of Azerbaijan to the Convention. **Azerbaijan** responded that it was already fulfilling some provisions of the Convention, and was considering submitting a voluntary transparency report.
- **Libya** stated that it was unable to accede to the Convention because there was no obligation on States that had laid mines in the territories of others to remove those mines. Nor did the Convention take into consideration the security concerns of developing countries. Libya stressed that countries responsible for laying mines should be obliged to provide the necessary assistance to the affected countries, especially by handing over information and maps describing minefields, war remnants and explosive locations. It reported that a national campaign would be launched to remove landmines planted along the Libyan-Egyptian and the Libyan-Chadian borders.

The following States Parties and organizations shared their views on matters pertaining to universalization:

- **Luxembourg, on behalf of the European Union** congratulated Latvia, Ukraine and Vanuatu for having taken steps to ratify the Convention, and encouraged Bhutan, Haiti and Iraq to continue their efforts. It reported that messages on the universalization were transmitted to States not parties in the context of the EU's bilateral political contacts. In addition, the EU would organize a seminar on landmines in the framework of the Barcelona Process.
- The **International Campaign to Ban Landmines (ICBL)** stated that it believed that, in order to promote universalization of the Convention, cooperation between States Parties and partners such as United Nations (UN) agencies, the International Committee of the Red Cross (ICRC) and the ICBL needed to be strategically developed and strengthened. The ICBL reported that its dialogue with relevant ministries and parliamentarians in Latvia, Poland, Ukraine, and Pacific Islands seemed to be fruitful; advocacy activities were planned with respect to Singapore, Brunei Darussalam and Indonesia; contacts were being maintained with Haiti; and efforts continued with respect to India, Pakistan, Nepal and Sri Lanka. The ICBL expressed the view that some States not parties were showing a growing interest in the Convention, including the member States of the Gulf Cooperation Council, Azerbaijan, Georgia, and Kyrgyzstan. Finally, the ICBL reported that 65-armed non-State actors used, or were alleged to have used, AP mines in 19 countries. Through campaigns in Colombia, India, Nepal, the Philippines and Thailand, the ICBL continued to seek compliance with the norm established by the Convention.
- **Sudan** expressed its gratitude to the Geneva Call for its efforts in support of unified government / SPLM participation in the work of the Standing Committees. Given that it had joined the Convention, Sudan called for international support and collaboration in the clearance of mined areas on its territory.
- **The ICRC** stated that universalization remained a high priority and it continued to actively encourage States not parties to join the Convention. It was continuing dialogue with armed non-State actors to urge respect for humanitarian law and the Convention's norms.
- **Italy** stated that in order to be effective, universalization efforts had to be carried out through actions tailored to specific situations. It was necessary to create conditions for States not yet party to comply, gradually if necessary, with the main provisions of the Convention, as had been the case with Ukraine. Furthermore, adhering to the Convention should be unconditional and take place without any re-interpretation of the Convention. Italy went on to state that it was important to persuade the armed non-State actors to comply with the most relevant provisions of the Convention and, in this regard, supported the work of Geneva Call.

IV. Update on the mobilisation of resources

The Co-Chairs recalled that the Nairobi Action Plan stated, "*while individual States Parties are responsible for implementing the Convention's obligations in areas within their jurisdiction or control, (the Convention's) cooperation and assistance provisions afford the essential framework within which those responsibilities can be fulfilled and shared goals can be advanced.*" In addition, the Co-Chairs highlighted that 18 of the Nairobi Action Plan's 70 actions concerned cooperation and assistance.

Norway, in its capacity as **Coordinator of the Resource Mobilisation Contact Group**, stated that continued and adequate funding and the best possible use of resources available for mine action were two objectives critical to the successful implementation of the Convention. It reported that after having put a lot of effort into establishing an overview of the financial resources that were generated in pursuit of the Convention's aims (US\$ 2.7 billion having been generated between 1997 and 2004), the Contact Group was focussing on a deeper knowledge about the flow of resources, as a basis for a reflection and an exchange of views, during the Sixth Meeting of States Parties, on how those resources could be most usefully spent. To this end, the Contact Group asked the ISU to undertake research, posing questions on this issue to donors, key implementing actors, funding channels and mine-affected States Parties.

Norway reported that at its last meeting, the Contact Group highlighted the need to make use of standards and guidelines, to share best practices and to exchange views on the results of evaluations. NGOs informed the Contact Group about plans to organize a workshop with a focus on issues related to cost effectiveness. This meeting discussed the concrete steps to be taken to facilitate the cooperation between the States Parties and the World Bank, and to enhance contacts with other development actors (such as the African Development Bank). Lastly, the Contact Group discussed the issue of integrating mine action into development activities.

V. Update on Article 7 reporting

The Co-Chairs recalled that, in accordance with the Nairobi Action Plan “*transparency and the open exchange of information have been essential pillars on which the Convention’s practices, procedures and tradition of partnership have been built, through both formal means and informal means*”, and that 5 out of 70 actions (#51, #52, #53, #57 and #58) concerned transparency reports.

Belgium, in its capacity as **Coordinator of the Article 7 Contact Group**, gave the following information regarding the reports submitted as of 13 June:

- 139 initial reports out of the 143 reports due in accordance with Article 7.1 had been submitted, with the deadline for Ethiopia to submit such a report being November 28, 2005. Since the Nairobi Summit, 3 new initial reports had been submitted (i.e., by Estonia, Papua New Guinea, Saint Lucia), and 4 are still due (Cape Verde, Equatorial Guinea, Guyana, Sao Tome & Principe);
- 76 annual reports out of the 143 reports due had been submitted, which means a compliance rate of 53 percent compared to 74 percent at the same time last year; and
- 2 voluntary reports were received.

Belgium also gave an update on the initial information that it had provided, noting that by the end of the week of Standing Committee meetings 83 (or 58 percent of) reports had been submitted and that an additional voluntary report had been received.

In the context of discussions on Article 7 reporting, the following provided information and views:

- **Tanzania** indicated that in comparison with 2004 most of its reporting remained unchanged. It intended to import deactivated AP mines totalling 1,000 from the Republic of Mozambique to be used by APOPO for research purposes (training of rats to detect mines).
- The **ICBL** emphasized that the overall compliance rate of States Parties submitting initial transparency reports was an impressive 97 percent, and that, in a very encouraging development, several States not parties had submitted voluntary Article 7 reports. The ICBL also noted that only a few States Parties provided voluntary and detailed information on the intended uses and disposition of their mines retained under Article 3 (5 States Parties), on foreign stocks (1) and on Claymore-type munitions (4). **France**, in response to an ICBL document, reported that its annual report was submitted on time (30 April 2005).

VI. Article 3 - Updates on plans requiring the retention of mines

In introducing the agenda item on plans for AP mines retained under Article 3, the Co-Chairs emphasised that in agreeing to Action # 54 of the Nairobi Action Plan, all States Parties made a commitment to be transparent in implementation of this Article in a manner that went beyond what was required as part of the Convention’s reporting obligations. Article 3 was an exception to the otherwise complete ban on the use of AP mines. Therefore, the provision of further information in relation to this Article would further the confidence that existed between the States Parties. It was requested that all States Parties make use of this agenda item to outline matters such as the following:

- quantity and type of mines retained and the manner in which the number of mines has changed since it was recorded in the final report of the First Review Conference;

- purposes for which retained mines have been used and the results of this use;
- plans for the future development of mine detection, clearance or detection techniques and further training which would result in the use of mines retained under Article 3;
- number and types of mines States Parties anticipate using in coming years for the development of, and training in, mine detection, mine clearance, or mine destruction techniques.

In advance of an exchange of information on plans and actions regarding Article 3, **Argentina** and **Chile** presented a joint proposal aiming at implementing Action #54 by making use of the Article 7 reporting format's "Form D" to provide qualitative (and not only quantitative) information on the use (including justification and results) and planned use of mines retained under Article 3. Argentina explained that its proposal could adequately settle the debate about the interpretation of Article 3 and about the "minimum number absolutely necessary". It invited States Parties to provide their comments, to support the initiative and to take a decision at the Sixth Meeting of the States Parties to formally endorse an amendment to "Form D".

Following this presentation, the following States Parties volunteered information in accordance with Action #54:

- **Japan** considered that voluntary reporting of additional information regarding Article 3 would prove useful to enhancing the trust among States Parties and building confidence by providing further transparency. As of December 31, 2004, Japan retained 6,946 AP mines, purely for the educational and training purposes related to clearance and detection of mines, as well as for the development of mine detector and mine clearance equipment.
- **Canada** stated that it considers that reporting usage under Article 3 was important not only for transparency reasons, but because it also provided an annual opportunity for any State Party to internally review the status and requirement for holdings permitted by this Article. Canada reported that it had retained the right to keep up to 2,000 mines to be used for reasons permitted under Article 3 and that some 206 mines were used every year. It noted that in 2002, 290 mines were acquired for the purposes permitted under the terms of Article 3. These mines were often used to prepare military engineering forces for peacekeeping operations and to properly prepare its forces for peace support activities.
- **Bangladesh** reported that the number of mines retained under Article 3 was currently 14,999. These mines were retained for training purposes, especially for officers and soldiers detailed for UN peacekeeping missions. Bangladesh had not acquired any new mines as was permitted.
- **The Former Yugoslav Republic of Macedonia** reported that it retained 4,000 AP mines under Article 3 solely for training purposes.
- **Croatia** indicated that it retained 6,400 AP mines, with the main purpose being to test demining machines. A total of 78 AP mines were used in 2004 for this purpose. In 2004, the Centre for Testing, Development and Training (CTDT) was established, whose primary task was to test demining machines, mine detection dogs and metal detectors, as well as to undertake research and development of other demining techniques and technologies. On the basis of current estimates regarding requirements for testing of de-mining machines, 189 AP mines would be needed in 2005.
- **Belarus** reported that 6,030 AP mines were currently retained under Article 3 for training and testing purposes.
- **The Netherlands** stated that at the end of 2004, 3,176 AP mines (2,345 AP22 and 831 APDM31) were retained under Article 3. During 2004, 366 AP22 and 11 APDM31s were used for training of 7,000 military personnel and 470 engineers and for the testing of new countermine equipment. In the future, the retained AP mines would be used for the same purposes, and the number and

types of mines used for countermine training would not change substantially compared with the number and types used in preceding years.

- **Namibia** reported that the number of AP mines it retained in accordance with Article 3 had been reduced to 6,151.
- **Chile** reported that it retained 5,895 AP mines for training purposes and that it would annually evaluate the possibility of further reducing this number, which would be decided on the basis of its progress in training, technological development and in demining.
- **Argentina** reported that it retained 1,680 AP mines and was already implementing, along with Chile, its proposal about the exchange of information in a modified form “D” under Article 7 reporting. In addition, Argentina’s annual Article 7 report included information about its plans for the use of the retained mines and also indicated that 92 AP mines were used in November 2004 for training purposes (engineers of the *Infanteria de Marina*).
- **Brazil** reported that it retained 16,125 mines for the development of, and training in, mine detection, mine clearance and mine destruction techniques. Last year 875 mines were destroyed. Brazil was a major participant in humanitarian demining missions in Central America, Ecuador, Peru and in Africa.
- **Belgium** stated that in accordance with Article 3, it retained AP mines in a number that was fixed on the basis of the estimated needs for research programmes in the field of demining technologies, training of specialized personnel and mine risk education. The retained mines were under the control of the Belgian Government, which reported under Article 7, on the details of the activities requiring the use of those retained mines.

In addition to these voluntary updates, the following actors shared their views on matters pertaining to mines retained under Article 3:

- The **ICBL** stated that it supported the proposal of Argentina and Chile and that it had urged all States Parties to declare the intended purposes and actual use of AP mines retained under Article 3. The ICBL also emphasized that during the negotiation of the Convention and the Standing Committees’ discussions from 1999-2004, most States Parties agreed that mines retained should number in the hundreds or thousands or less, but not tens of thousands. In this regard, the ICBL pointed out that only 5 States Parties accounted for nearly one-third of all retained mines, and that a total of 10 States Parties retained between 5,000 and 10,000 mines. The ICBL added that it believed that States Parties that retained AP mines and apparently did not appear to be using these mines for the permitted purposes abused the exception permitted by Article 3. Therefore, more transparency was needed in respect of this Article.
- The **ICRC** congratulated the States Parties that indicated their willingness to fully implement Action #54 of the Nairobi Action Plan. In this respect, the ICRC welcomed the joint initiative of Argentina and Chile. It invited all those States Parties that were retaining mines pursuant to Article 3, but that have not yet provided information as called for in Action #5, to do so by the 6MSP and through their annual Article 7 reports.
- **Mexico** stated that it did not retain any AP mines under Article 3 and considered that mines retained by States Parties should number in the hundreds or thousands, but not tens of thousands.
- **Turkey** stated that States Parties with varying geographies, incongruous terrain and a number of neighbours not yet parties to the Convention should not have numbers or ceilings imposed on them. Turkey agreed with the wisdom of the wording of Article 3.

VII. Article 9 – updates on the development and adoption of legislative, administrative and other measures.

In introducing Article 9, the Co-Chairs referred to Action #59 of the Nairobi Action Plan where States Parties committed to, “*develop and adopt legislative, administrative and other measures in accordance with Article 9 as soon as possible...*”, and that in Action #60, the States Parties agreed to make their needs known to the ICRC or other relevant actors in instances when assistance is required to develop implementing legislation.

- **Senator Ph. Mahoux of Belgium** presented a bill passed by the Belgian Parliament, aimed at banning the direct or indirect financing of companies engaging, directly or indirectly, in manufacturing, use or possession of AP mines. Such a financing would constitute a violation of the Money Laundering Act, and therefore would be a criminal offence. Senator Mahoux expressed the hope that all countries fighting against the scourge of AP mines would adopt similar legislation.
- **Australia** reported that its Anti-Personnel Mines Convention Act (1998) gives effect under Australian law to the provisions of the Convention. Applying with extraterritorial effect, it makes it a criminal offence (up to 10 years imprisonment) for Australian citizens or Defence Force personnel to place, possess, develop, acquire, stockpile or transfer anti-personnel mines. Australia also indicated that the Act reflected Australia’s interpretation of the Articles of the Convention:
 - Australia does not consider that the word “assist” (Article 1, c) includes permissible indirect support such as the provision of security for the personnel of a State not party to the Convention engaging in such activities;
 - Australia’s legislative interpretation of the difference between AP mines and anti-vehicle mines was based on the function of the munitions. Australia took the view that anti-vehicle mines fused in such a way that they could be detonated on contact with a person rather than a vehicle to be AP mines and, therefore, prohibited by the Convention;
 - “Anti-personnel mine” did not include command-detonated munitions (M18 Claymore), nor does it include anti-vehicle mines equipped with anti-handling devices.

Australia stated that it would continue to provide assistance to facilitate ratification, through the provision of model legislation, to any country that requested it.

- The **ICRC** stated that it was necessary to encourage all States Parties to adopt measures, through new legislation or modification of the criminal law, in accordance with Article 9, and to assist those States Parties that want to do so. Therefore, criminal laws must make any activity prohibited under Article 1a, 1b or 1c of the Convention a criminal offence. It is also necessary for the definitions in national laws to be consistent with those of Article 2 of the Convention. The ICRC provided an update on the establishment of national implementing legislation:
 - 43 States Parties have reported having adopted legislation to implement the Convention;
 - 34 States Parties have reported being in the process of adopting such legislation;
 - 26 States Parties consider existing laws to be sufficient to give effect to the Convention;
 - 6 States Parties have reported that they are assessing whether to adopt legislation; and
 - For 33 States Parties, information is as yet unavailable or is unclear.
- **Trinidad and Tobago** reported that it had enacted legislation on the Convention in September 2000 and had taken several steps in order to implement the Nairobi Action Plan.
- **Argentina** stated that under its implementing legislation for the Convention a national committee for demining was created within the Ministry of Defence. A breach of the Convention’s obligations would be a criminal offence. The legislation would most likely be adopted during Argentina’s current parliamentary session.
- **Chile** stated that its current legislation on firearms and explosives was insufficient and, therefore, it was in the process of adopting a law to implement the Convention.

- **Turkey** reported that the new Turkish Criminal Code that entered into force on 2 June 2005 included an article relating to the Convention.
- The **Australian Network to Ban Landmines** welcomed Australia's early ratification of the Convention, implementing legislation in accordance with Article 9, and position on Article 2 with regard to anti-vehicle mines. With regard to Article 1, the Australian Network interpreted the language and spirit of the Treaty as in no way directly or indirectly allowing assistance, encouragement or inducement to such an action prohibited to a State Party under the Convention. Furthermore, the Australian Network believed that there was a need for continued monitoring, reflection and review by Meetings of the States Parties of the issue of interpretation of Convention language and on implementing legislation. It was necessary to maintain clarity and to avoid legal interpretations that weakened the Convention

VIII. The practical implementation of other provisions of the Convention

In introducing the discussion on Articles 1, 2 and 3 and general practical implementation of other provisions of the Convention, the Co-Chairs noted that Action #55 of the Nairobi Action Plan directed all States Parties to, "*exchange views and share their experiences in a cooperative and informal manner on the practical implementation of the various provisions of the Convention, including Articles 1, 2 and 3, to continue to promote effective and consistent application of these provisions*". The implementation of Articles 1, 2 and 3 would reflect on the robustness of the international norm against the use of AP mines. It was important that all States Parties expressed their views on these issues. In this regard, the Co-Chairs commended the work of the ICRC on the table it had produced on the positions of States Parties that had put forward their views on Article 2 and urged those States Parties that had not done so to contribute to that table. The following shared their views:

- The **ICBL** expressed its disappointment at the inability of States Parties to reach common understandings on the interpretation of Articles 1 and 2, especially regarding what types of acts are permitted or prohibited within the context of the prohibition of assistance under Article 1, and how this Article applies to joint military operations. While a consensus has begun to emerge, the ICBL has raised questions about possible prohibited assistance by at least 6 States Parties since 1999.
- **Human Rights Watch** made a presentation on Article 2, "*Mines with Sensitive Fuses: Status of Practice and Illustrations*". The problems and concerns in regard to anti-vehicle mines were: (1) Some fuse types (tripwire, breakwire, tilt rod) possessed irreversible victim activated functions; (2) They were physically co-located with mines and other types of encased explosive charges within ammunition supply system; (3) Components were optimised for multi-functionality and interoperability; and (4) Design occurred in the field. Examples of practise were: (1) Germany and the United Kingdom had stated that mines equipped with tilt rods, tripwires, and breakwire fuses were inappropriate and could not be designed in a way to prevent detonation by a person; (2) Zambia's national legislation prohibited mines equipped with tripwires and breakwire fuses as well as pressure fuses that operated at a threshold of less than 150 kg; and (3) Slovakia had adopted a "Best Practice Policy" that banned tripwire and tilt rod fuses.

In regard to tripwires and breakwires, examples of best practise were: (1) Sweden (FFV-16) that had forbidden the use of tripwires with mines; (2) The Netherlands (NR-29) and the United Kingdom (L27) had retired mines (MIACH-1) with breakwire fuses; and (3) France (MIACAH-2) and Belgium (MIACAH-2) were looking to replace breakwire fuses.

The dangers in regard to tilt rods were that these could be activated by low lateral pressure (often less than 5 kg); often camouflaged; and some had a hole in the tilt rod to tie multiple mines together. Examples of good practise on tilt rods were Canada, France, Hungary (UKA-63) Mali (TM-57 with MVSh-57 fuse), and the United Kingdom (L39A1B1 fuse).

On other ordnance items, examples of best practise were: (1) Belgium and France had removed from their inventories unspecified pressure and tension release firing devices (igniters); (2) Germany (DM-39) and Slovakia (Ro-3) had removed from their inventories anti-lift fuses; and (3) Croatia and Lithuania had reported destroying unspecified types of fuses.

Human Rights Watch proposed that possible ways forward were to: (1) Remove tripwires, breakwires, and tilt rod fuzes as well as pressure/tension release firing devices from inventories; (2) Voluntarily provide more details of the number and types of mine fuzes destroyed during stockpile destruction programmes; and (3) Ensure that national legislation, military instructions and doctrine prohibit the construction of improvised AP mines by the combination of available ordnance items.

- The **ICRC** observed that on Article 2 there was an ongoing discussion among States Parties on whether “anti-vehicle” mines with sensitive fuzes are prohibited by the Convention, and, thus far, there is no common understanding or practice. The ICRC stated that it viewed any mine that was likely to be detonated by the presence, proximity or contact of a person to be an AP mine and therefore prohibited by the Convention. It circulated a document listing the States Parties that had clearly indicated their position on this issue, and encouraged States Parties not listed to record their views.
- **Argentina** stated that improvised mines, and not only industrially manufactured ones, can be considered as AP mines.
- **Ambassador Petritsch** reported on the European Parliament’s landmines information day, held on 16 June 2005, and which was very useful with Members of the European Parliament receiving information on the subject and expressing their support for the Nairobi Action Plan. The European Parliament also announced that it intended to adopt a resolution on a mine-free world that would deal with matters such as: the respective roles of public and private institutions, universalization (particularly inside the EU), strengthening demining efforts, and the importance of engaging armed non-state actors.
- The **ICBL** stated that it was disappointed with regard to the implementation of Article 8 by States Parties. It also pointed out that in the coming years the implementation of Article 5 would be a major challenge. Referring to the case of Djibouti, the ICBL said that it considered that States Parties should establish a specific process for clarifying whether a State Party has met its obligations under Article 5 to clear all AP mines in mined areas, especially when there may be some evidence to the contrary.
- **Switzerland** reported that it had organised a debate on “Moving forward on Action # 46” – non-state actors. It expressed the hope that an interesting and ongoing debate would contribute to further progress on the implementation of Action # 46.
- **Canada** reported that during the week 14 donor countries, the European Commission, the ICBL and some multilateral organisations exchanged views informally on integrating mine action into development programmes. The meeting agreed on the beneficial effect of such mainstreaming, which was an added value for those programme. Such an approach was already implemented by most donor countries that consider mine action to be a humanitarian issue. Participants in the meeting had emphasised that mine action needed to be rooted in plans and development priorities of the affected countries, and stressed the need for national capacity building. Canada highlighted the need for better communication, the utility of developing “business cases” for mine action, and the need to raise this issue during multilateral meetings or consultations about development and to exchange good practices.
- **Turkey** on the issue of non-state actors noted that the Nairobi Action Plan, and particularly Action #46 which stated, “*States in a position to do so will...continue to support, as appropriate, mine action to assist populations in areas under the control of armed non-state actors,*

particularly in areas under the control of actors which have agreed to abide by the Conventions norms”, was politically binding in nature. Turkey interpreted the words “*as appropriate*” to mean that States Parties concerned must be informed of any potential engagement with “*armed non-state actors*”, and of the intended nature of these engagements. In addition, Turkey stated that if a State Party does not give its consent to such engagement, then any such plan should not be implemented.

IX. Preparations for the Sixth Meeting of the States Parties

The Co-Chairs recalled that at the First Review Conference, the States Parties agreed “*to hold annually, until the Second Review Conference, a Meeting of the States Parties which will regularly take place in the second half of the year, in Geneva or, when possible or appropriate, in a mine-affected country,*” and, that the next Meeting of the States Parties – the Sixth Meeting of the States Parties (6MSP) – would be held in Croatia from 28 November to 2 December 2005.

The Co-Chairs stated that it has been a tradition that this Standing Committee served as a forum for views to be shared on procedural matters concerning the next Meeting of the States Parties and in this regard informed the Standing Committee of the following:

- It had been the practice that when Meetings of States Parties had been held in mine-affected countries, the host country designated a President. In this regard, it was announced that the host country, Croatia, had put forward its Minister of Foreign Affairs, Kolinda Grabar-Kitarovic as the President-Designate of the 6MSP, subject to the acceptance of the States Parties.
- It had also been the tradition that the host country designated a Secretary-General for a Meeting of the States Parties. In this regard, it was announced that Croatia had put forward Ms. Dijana Plestina, Advisor to the Minister of Foreign Affairs, as the Secretary-General-Designate of the 6MSP, subject to acceptance by the States Parties.
- It had been the practice that the States Parties requested that the United Nations Secretary-General appoint an Executive Secretary to provide and direct the staff required by the Meetings of the States Parties. In this regard, it was announced that in keeping with this practice, the Co-Chairs of this Standing Committee had written to the United Nations Secretary-General to make such a request. The Co-Chairs indicated that while no formal response had been received, it had been intimated that in all likelihood Mr. Enrique Roman-Morey, Director of the Geneva Branch of the Department for Disarmament Affairs, would be appointed Executive Secretary of the 6MSP.
- It was announced that in keeping with past practice, the designated Presidency had forwarded to the Director of the GICHD a request for the Manager of the ISU to serve as the President’s Executive Coordinator in advance of, and during the 6MSP, and that the GICHD Director had accepted this request.

In the context of proposals made in an Austrian/Croatian discussion paper, views were shared with respect to a draft agenda / programme and documentation for the 6MSP:

- **The President of the First Review Conference, Ambassador Wolfgang Petritsch of Austria,** indicated that the purpose of the discussion paper was to propose:
 - outcome documents that would be prepared for the 6MSP in the context of post-Nairobi work;
 - the programme of the 6MSP, while being consistent with the mandate for Meetings of States Parties, reflected the new realities; and
 - a collaborative effort to prepare for the 6MSP, involving all Coordinating Committee participants and interested States and organisations.

Ambassador Petritsch stressed that this paper, while maintaining the supremacy of the Convention, aims at adjusting working methods and the outcome of the 6MSP to take into account the Nairobi Action Plan.

In terms of the outcome documents, it was envisaged that there would be: a final report, a declaration, and, a Zagreb Progress Report, which should take stock of the progress achieved in implementing the Nairobi Action Plan and suggest priorities for the year ahead. Such a paper would reflect the structure of the Nairobi Action Plan and would be welcomed by the States Parties. Annexed to the final report would be the reports of the Standing Committees. It was stressed that the elaboration of the Zagreb Progress Report would be carried out in a transparent, inclusive and interactive manner. Hence, Austria and Croatia would ask for input from all States Parties and observers, and a first draft will be sent out early September and be discussed at an informal open-ended meeting on September 23, 2005 in Geneva.

- **South Africa** stated that the paper contained useful ideas on how to focus work in advance of and at the 6MSP, welcomed the idea expressed by Ambassador Petritsch regarding the 6MSP reflecting the work undertaken by the Standing Committees, and agreed that the traditional “President’s Action Programme” could be replaced by a document providing information, in a succinct manner, on progress made in the pursuit of the Nairobi Action Plan. With reference to the Agenda and the Programme of Work, South Africa recognised that the outcome of the First Review Conference would naturally influence the manner in which future work would be undertaken. It stated that the Nairobi Action Plan related more to the content of work, rather than to changing the procedural structure of the States Parties’ work and would therefore welcome further discussion of the report.
- **Japan** indicated that it generally shared the views expressed in the discussion paper. It believed that there needed to be flexibility in drafting the progress report, and that the nature of the 6MSP documents in relationship to each other should be made clear.
- **Belgium, Germany, Italy, Sweden, the ICBL and the ICRC** voiced support for the approach proposed in the discussion paper and emphasised that the approach underlined the importance of the Nairobi Action Plan.
- **Switzerland** expressed support for the Zagreb Progress Report and emphasised that the report should be forward-looking.

Following this discussion, the Co-Chairs indicated that it was their sense that the ideas proposed by Austria and Croatia, including the agenda and programme, were for the most part acceptable to the States Parties, notwithstanding the need for consideration of a number of comments made regarding how to enhance the Austrian/Croatian suggestions. The Co-Chairs stated that while it appeared that the agenda and programme could be considered for adoption by the States Parties at the beginning of the 6MSP, it was their sense that many of the points made should be taken into consideration in preparing draft documentation and in executing the 6MSP programme.

The Standing Committee was given the opportunity to share views on draft rules of procedure and cost estimates for the 6MSP. No State Party took the floor and hence it was the Co-Chairs’ sense that the draft rules and the cost estimates presented were acceptable to the States Parties for adoption at the 6MSP.

The Co-Chairs also reminded the States Parties of a few decisions that they would have to take in Zagreb.

- The Co-Chairs recalled the statement made at the beginning of the meeting regarding the selection of Co-Rapporteurs for the period 2005-2006, again indicating that they were leading a process intended to produce a list of new Co-Rapporteurs for consideration for adoption by the States

Parties. States Parties that had an interest in undertaking such responsibilities were asked to make their interest known to one of the Co-Chairs as soon as possible.

- The Co-Chairs recalled that at the First Review Conference the States Parties agreed “*to hold annually, until the Second Review Conference, a Meeting of the States Parties which will regularly take place in the second half of the year, in Geneva, or, when possible or appropriate, in a mine-affected country.*” At the 6MSP the States Parties would have to take a decision on the date, location and venue of a Meeting of the States Parties to be held in 2006.
- The Co-Chairs recalled that in Nairobi the States Parties agreed “*to convene annually, until 2009, informal intersessional meetings of the Standing Committees to be held in Geneva in the first half of the year, for duration of up to five days.*” At the 6MSP the States Parties will have to take decisions regarding the dates for meetings of the Standing Committees in 2006.

X. General operation of the Convention

Coordinating Committee

Ambassador Wolfgang Petritsch of Austria, President of the First Review Conference and **Chair of the Coordinating Committee**, provided an update on the Coordinating Committee. He noted that the work of the Coordinating Committee was grounded in advancing the aims of the Nairobi Action Plan, which included setting objectives and putting in place strategies to achieve those objectives. The Coordinating Committee had met three times since the Nairobi Summit. In keeping with past practise and the need for transparency, the summaries of the Coordinating Committee meetings were posted on the website of the GICHD.

Implementation Support Unit(ISU)

The **Director of the GICHD**, Ambassador Stephan Nellen, and the **Manager of the Implementation Support Unit**, Mr. Kerry Brinkert, provided updates on the activities of the ISU. The ISU had never before received such clear direction regarding States Parties priorities as that set out in the Nairobi Action Plan.

Sponsorship Programme

The **Coordinator of the Sponsorship Programme**, Mr. Guy Pollard of the United Kingdom, provided an update on the Sponsorship Programme. **Canada** announced that it had made a financial contribution to both the ISU (CDN\$ 45,000) and the Sponsorship Programme (CDN\$ 25,000) for this fiscal year.