



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

## **INTERSESSIONAL WORK PROGRAMME 2001-2002**

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

#### **Meeting Report May 27 & 31, 2002**

#### **I. Introduction:**

Pursuant to the decisions of the Third Meeting of the States Parties to the Convention (3MSP), the meeting of the Standing Committee on the General Status and Operation of the Convention was convened by its Co-Chairs, Ambassador Virasakdi Futrakul of Thailand and Ambassador Steffen Kongstad of Norway, with the support of its Co-Rapporteurs, Mr. Alexander Kmentt of Austria and Mr. Gustavo Laurie of Peru. The meeting was held in Geneva with the support of the Geneva International Centre for Humanitarian Demining.

The Co-Chairs opened the meeting by highlighting the humanitarian objectives of the Convention and expressed their satisfaction for the achievements that have been made. However, given the challenges that still lie ahead, the Co-Chairs stated that there is no place for complacency.

#### **II. Overview of the general status of implementation, including matters related to assistance and cooperation:**

Nicaragua, in its capacity as President of the 3MSP, presented an overview of the general status of implementation of the Convention. It underscored the importance of providing a broad understanding of progress and challenges regarding key provisions of the Convention in order to set the scene for a more intensive dialogue. The Co-Chairs and others welcomed this presentation and its emphasis on achieving the Convention's humanitarian objectives.

The presentation by the President was followed by a brief overview by the Co-Chairs on their expectations for the intersessional week.

- The Co-Chairs of the Standing Committee on Victim Assistance and Socio-Economic Reintegration referred to the implementation of Article 6.3 of the Convention and noted that their expectations included hearing about progress in implementing Article 6.3 and giving opportunities to delegations to address the issue of assistance and cooperation.
- The Co-Chairs of the Standing Committee on Mine Clearance, Mine Awareness and Mine Action Technologies recalled that the January meeting revealed there is still a lack of information on the extent of the problem of mined areas in many mine-affected countries and hoped that the discussions would generate a better understanding. They indicated their intention to continue with a case-study approach, this time by focussing on the situation in Mozambique.
- The Co-Chairs of the Standing Committee on Stockpile Destruction recalled that the deadline for stockpile destruction is approaching rapidly for many countries, with the first deadlines in March 2003. They indicated a focus on key issues, such as an overview on stockpile destruction in different regions, an update on progress and some case studies. Assistance and cooperation for stockpile destruction were also going to be addressed.

### **III. Overview of the General Status of Universalization**

The Co-Chairs welcomed the recent formal acceptance of the Convention by the Democratic Republic of Congo and Suriname and the interest expressed by East Timor in acceding to the Convention. The Co-Chairs further highlighted the fact that even States not Parties to the Convention are respecting the norm being established by the Convention.

The Coordinator of the Universalization Contact Group, Ms. Shannon Smith of Canada, gave an update on the Group's activities, such as those focused on the Democratic Republic of Congo, Guyana, Suriname, East Timor and Southeast Asia. Among the needs identified by the Group were the following: an increased military to military dialogue, customized workshops targeting the appropriate decision makers in appropriately designed ways, finding ways to insert these goals into the agendas of regional organizations, strategic funding and technical partnerships to ensure offers of appropriate assistance to candidate States, and coordinated demarches and approaches.

Following the May 30 meeting of the Contact Group, Ms. Smith informed the Standing Committee that some further needs identified by the Group were: for European States Parties to play a leading role in universalization in Europe; the dissemination of relevant information; the categorisation of the remaining States not Parties according to their concerns and reasons for not acceding to the Convention; and, the identification of specific follow-up assignments.

Thailand briefed the meeting on the regional seminar on the Convention, "Landmines in Southeast Asia", which was held in Bangkok 13-15 May 2002 with the support of Australia, Canada and Japan. The seminar gathered civilian and military participants, including representatives of States and non-governmental and international organisations. The conclusions of the seminar included the need for a common regional platform of action and for an effective mechanism for regional cooperation. The seminar also explored the idea of establishing an ASEAN Trust Fund for the implementation of the Convention.

The ICBL reiterated its goal of 135 ratifications or accessions by the Fourth Meeting of the States Parties (4MSP) and stated that it was focusing on 12 States not Parties, each of them requiring a specific action-plan. The ICBL also stated that, in the context of universalization, ongoing use of anti-personnel (AP) mines by India and Pakistan deserves a response from States Parties. The ICRC offered assistance to countries that wish to become States Parties to the Convention and announced that it has relevant documents available in several languages.

Several States provided information on universalization efforts and on steps underway to formally accept the Convention. Turkey and Greece informed the Standing Committee about the very advanced state of accession and ratification in their respective countries. Papua New Guinea reported that it was in the process of considering accession. Sudan requested support for its national demining program, with a view of acceding to the Convention. Bangladesh expressed concern about being the only State Party in its sub-region. The Co-Chairs expressed that universalization is important for the consolidation of the Convention's norm, and that the Contact Group will continue to be important in this matter. The Co-Chairs also underlined the value of the partnership with the ICBL and the ICRC.

### **IV. Report of the Coordinating Committee and discussions on the Intersessional Work Programme**

Nicaragua, as Chair of the Coordinating Committee, informed the Standing Committee that the Coordinating Committee had met regularly since the last meeting of the Standing Committee and that President's Notes from Coordinating Committee meetings could be found on the GICHD web site. In addition, Nicaragua reported that on 13 March 2002 the

Coordinating Committee had held a one-day informal retreat to discuss and assess the Intersessional Work Programme's underlying objectives and to identify possible ways to enhance the Programme. Enhancements put in place to help delegations prepare for the 27-31 May 2002 meetings included: a comprehensive package of documents, which was sent to all States and interested organizations on 30 April 2002; a briefing for Permanent Missions in Geneva on 8 May 2002; and, a briefing for new Standing Committee participants on 27 May 2002. In addition, the Coordinating Committee allocated more time to the Standing Committee on the General Status and Operation of the Convention at the beginning of the week of meetings to provide an overview of the general status of implementation of the Convention and to give greater emphasis to matters related to assistance and cooperation.

Nicaragua introduced a non-paper, which the Presidency, with the help of the Coordinating Committee, had prepared as a basis for all States Parties and others to participate in a discussion on the Intersessional Work Programme. A number of delegations, including the ICRC and the ICBL, welcomed the non-paper as being timely at the half-way point on the way to the Review Conference in 2004 and, in particular, supported the renewed emphasis on the humanitarian aims of the Convention. The ICBL urged States Parties to use the Intersessional Work Programme – as well as Article 7 reports – to present their national plans, needs and challenges in meeting the obligations of the Convention, particularly the obligations related to mine clearance and victim assistance.

Brazil, South Africa, Canada, Japan, Austria and others noted the value of the informal nature of the Intersessional Work Programme. Brazil emphasised, inter alia, that the Intersessional meetings have an informal character compared to the annual Meetings of States Parties, which are where formal decisions are taken by the States Parties. Brazil also stated its view that the role of the Coordinating Committee was that akin to a bureau, that some thought should be given to the status and role of the Standing Committees' reports and the President's Action Programme, and that the United Nations' role in the work of the Convention should not be diminished. South Africa pointed out that, due to the dynamism of the process, the Intersessional Work Programme had evolved into a much larger format than was initially anticipated. Several delegations stated it is important to remember that the partnership between States Parties and NGOs plays a crucial role in the process and that all participants should feel free to speak their minds during the Intersessional meetings.

The Co-Chairs concluded by noting the overwhelming support for the main elements of the paper presented by Nicaragua, in particular that the objectives that were established for the Intersessional Programme are as relevant today as they were in May 1999 and that at this stage in the life of the Convention it is important to focus with even greater clarity on those areas most directly related to the core humanitarian objectives of the Convention. The Co-Chairs also noted the support for the principles that have served the Intersessional Programme well to date – principles like flexibility, partnership, inclusivity, continuity, effective preparation and – perhaps most importantly – informality.

The Co-Chairs also recalled that many delegations expressed a desire that consideration be given to clarifying a process to prepare for the Review Conference, that this process should be transparent and inclusive, and that all States Parties should be provided with the opportunity to participate in discussions on this process. The Co-Chairs stated that it would undoubtedly be prudent for States Parties to begin – as early as the Fourth Meeting of the States Parties – to discuss the options that exist for a preparatory process and that the current and incoming Presidencies should keep this point in mind and ensure sufficient preparations for such a discussion at the Fourth Meeting.

## **V. Report on the Implementation Support Unit (ISU)**

The Director of the GICHD, Ambassador Martin Dahinden, reported that the ISU has been in operation for four-and-a-half months and that the main focus of its work has been to assist the Coordinating Committee in its rigorous preparations for the Intersessional week. Furthermore, the ISU supported the President and the President-Designate, and served as an information resource for all States Parties and others. This information role included the Manager of the ISU, Mr. Kerry Brinkert, having made presentations about the Convention at meetings in Bangkok, Paris and Kinshasa. The ISU has begun preparations to set up a documentation resource facility and was planning to employ a person on a temporary basis for this task and to establish a position for an officer in time for the 4MSP. Mr. Brinkert invited States Parties to make use of the ISU, which is working according to the mandate agreed to by the States Parties at the 3MSP. Mr. Brinkert noted that the ISU provides “value-added” services with regard to the implementation of the Convention, without replacing the efforts of individual States Parties. The Presidency and the Co-Chairs thanked the ISU and its Manager for the most valuable contribution made in recent months.

## **VI. Report on the Sponsorship Programme**

The Coordinator of the Sponsorship Programme, Mr. Peter Sagar of Canada, informed the Standing Committee of the programme’s achievements. He reiterated that the programme was established to facilitate broad participation by States Parties from mine-affected countries, to provide support for speakers at the meetings of the Standing Committees and to provide support to States not Parties that have shown a clear interest in adhering to the Convention. Mr. Sagar reported that 63 delegates and 9 speakers had benefited from the Sponsorship Programme for the 27-31 May 2002 meetings. He thanked the GICHD for its role in administering the programme, which it does without additional costs to the programme.

## **VII. Update on consultations to nominate new Co-Rapporteurs**

The Co-Chairs noted that, as mentioned in the preparatory documents circulated on 30 April, States Parties will be asked to take a decision on appointing eight new Co-Rapporteurs at the 4MSP. They indicated that in keeping with past practice, they had consulted with interested States Parties with a view to identifying a list of nominees, while keeping in mind the principles of ensuring a regional balance, a balance between mine-affected and donor States Parties and a balance between the need for rotation and the need for continuity. The Co-Chairs stated that they felt further consultations with interested States Parties were necessary and that a list of nominations would be presented to all States Parties as soon as possible, for consideration at the 4MSP.

## **VIII. Discussions on matters related to Article 7**

The Co-Chairs recalled the importance given to Article 7 by all Standing Committees at their meetings in January and May and noted that, as a consequence, the number of Article 7 reports submitted had increased.

Ambassador Jean Lint of Belgium, Coordinator of the Article 7 and Article 9 Contact Group, reported on the current status of Article 7 reporting and introduced a non-paper, which included some specific suggestions regarding Article 7 reporting.

Several delegations welcomed the suggestions and elements included in the non-paper. Some delegations indicated that they have used Form J. The ICBL supported Ambassador Lint’s suggestions on using Forms B and D to their full potential and appealed to States Parties to use Form D to indicate the intended purpose and actual use of mines retained for training, as well as Form B to report on stocks of Claymore mines and steps taken to ensure that all such

mines are in a command-detonated mode. The ICBL noted the progress in the submission of initial Article 7 reports but also expressed concern about the 2002 reporting rate.

The Co-Chairs commended the work of the Article 7 Contact Group and reiterated that States Parties are obliged to submit Article 7 reports on an annual basis. The Co-Chairs also noted the importance of Article 7 reporting, not only as a Convention obligation, but also as an important tool to measure progress in the implementation of the Convention and for mine-affected States Parties to communicate their needs to other States Parties.

## **IX. Updates on Implementation of Article 9 and Article 3**

Concerning Article 3, the Co-Chairs noted that the President's Action Programme stated that "to further clarify the reasons why mines are retained for training and development under Article 3 and, in particular, to reaffirm the common understanding as regards the amount of mines that can be retained in a manner consistent with Article 3, the Co-Chairs...will continue to ensure that this topic is raised during future meetings of the Standing Committee."

Italy pointed out that the number of mines that are actually retained in Italy for training purposes was considerably lower than the Italian legal maximum of 8,000 AP mines.

The ICBL reaffirmed the interpretation that the number of mines retained under Article 3 should be in the hundreds or thousands, but not in the tens of thousands. They urged States Parties to re-evaluate their need to retain mines for training, given that it appears very few retained mines have actually been used in most cases. The ICBL also stressed that it would be useful if States Parties included in their Article 7 reports, information on the intended purpose and actual use of mines retained.

Concerning Article 9, the Co-Chairs referred to the President's Action Programme, which noted that the Co-Chairs, the ICRC and the ICBL will continue to promote the establishment of national implementation measures in accordance with Article 9.

Bosnia and Herzegovina gave a detailed presentation on the status of its national implementation measures, including a demining law.

The United Kingdom referred to legal action that had been initiated in the UK as a result of an alleged attempted sale of AP mines and reiterated its commitment to the obligations under Article 9. Landmine Action UK said that it welcomed the rapid response of the UK Government. It stressed the need for legal provisions for transactions that take place outside the country and recommended the designation of a single competent national agency.

South Africa pointed out that its Cabinet had approved a national implementing law on 29 May 2002, which has been forwarded to Parliament for consideration. It noted that the draft legislation, which had been developed in close cooperation with South African civil society, incorporates the AP mine definition of the Convention and bans devices that act as AP mines by virtue of their indiscriminate effect, despite being named otherwise. The draft legislation also states, that it will be applicable, not only to all South Africans or persons on South African soil, but also to any South African person outside of its territory. The draft legislation provides the Minister of Defence with the competence to appoint a domestic inspector to investigate and enforce compliance with the act.

The ICRC reminded States Parties of its National Implementing Legislation Kit, which is available in several languages, and pointed out that it is preparing a model law for use by Common Law States. The ICRC noted that 43 States Parties have adopted or are in the process of establishing implementing legislation. It also reported on a regional meeting held in Pretoria the previous week and a meeting of Commonwealth Justice Ministers. It reiterated

its offer to provide assistance with respect to Article 9. The Co-Chairs invited States Parties to express their needs should they require assistance in developing legislation.

## **X. Experiences in implementing Article 2**

The Co-Chairs recalled the attention that matters related to Article 2 had received over the past year and noted that with a view to continuing a dialogue on these matters, as is suggested by the President's Action Programme, an agenda item had been scheduled to provide States Parties with an opportunity to share, how in legal and / or operational terms, Article 2 of the Convention is being applied.

Austria said that it agreed with the argument put forward by the ICRC in its Working Paper of January 2002, which states that any mine is banned under the Convention if the design is such that it would detonate by the presence, proximity or contact of a person. It pointed out that Article 2 (1) provided for an exception to this general rule, stating that an anti-vehicle (AV) mine that is equipped with an anti-handling device (AHD) is not to be considered as an AP mine, as a result of being so equipped. Austria explained its definition of an AHD as being a device intended to protect a mine and which activates when an attempt is made to "tamper with or otherwise intentionally disturb the mine". While the action of the person must be directed against the mine, it is not necessary for the person to be aware of the fact that he or she is dealing with a mine.

The United Kingdom, supported by France, stressed that the design of the mine is the key in defining what constitutes an AP mine rather than an effects-based definition that is argued for by others. The UK also stated that its view is that the Convention on Certain Conventional Weapons (CCW) is the right place in which to consider how best to reduce the humanitarian risks presented by some AV mines. It also stressed the importance of focusing on the future challenges for the Convention and to move beyond a definitional standoff.

Japan, supported by Denmark, pointed out, that a change of interpretation of Article 2 could have a negative effect on the universalization of the Convention and stressed also that the CCW is the best legal framework to deal with AV mines.

Belgium referred to a statement it made on 11 May 2001 on Article 2.

The ICRC reiterated that it had prepared an information paper, "Understanding the Ottawa Definition of an AP Mine under Basic Rules of Treaty Interpretation", in January 2002. It stressed the necessity, without prejudging the legal interpretation, to identify practical steps to move beyond the legal debate and recalled the "best practices" that had been identified at an ICRC-hosted experts meeting in February 2001. It argued that the discussion on Article 2 is not about expanding the definition of AP mines but rather is necessary to underscore the understanding of the Oslo treaty negotiations. While it agreed with the goal of dealing with AV mines in the CCW framework, the ICRC pointed out that the problems related to AV mines that are equipped with sensitive fuses or sensitive AHDs is not a core element of the debate in the CCW. Mexico and Landmine Action UK supported the view of the ICRC.

Brazil reaffirmed its understanding that all mines that function as AP mines, such as AV mines equipped with AHDs, are banned by the Convention.

Peru pointed out that there are different interpretations on Article 2, which it is still assessing. It noted that a decision on interpretation could only be taken at a Meeting of the States Parties and not during meetings of the Standing Committees. Peru also stated that it is important to focus not only on the letter, but also on the humanitarian spirit of the Convention.

Norway referred to its well-known interpretation of Article 2 and stressed that the main focus should be to address the humanitarian problems caused by the impact of AP mines.

The ICBL agreed with the ICRC and pointed out that only five States Parties have expressed a view contrary to this majority opinion. It noted that only a very few States Parties had voiced support for a definition different from that contained in the Convention. It argued that while the CCW might be the best venue to address AV mines, the weapons under consideration are AP mines, which need to be addressed by the Standing Committee. The ICBL also said that legal interpretation is less important than actual State practice.

Italy stated that the definition of AP mines under its law includes mines that could function or that could be adapted to function like AP mines and endorsed the concept of “best practices” as a possible means to move forward on this issue.

Spain, speaking for the European Union (EU), pointed out that the EU supports and is actively engaged in the efforts to address the humanitarian impact of AV mines in the CCW framework. Spain reported that the EU had presented a working paper for discussion by the CCW’s Group of Governmental Experts.

The NGO, Afghan Technical Consultants, stated that, in its opinion, AV mines are more dangerous than AP mines and recalled several incidents with AV mines in which many civilians had been killed.

#### **XI. Addressing the humanitarian impact of mines that may pose similar risks to civilian populations as anti-personnel mines**

The Co-Chairs informed the Standing Committee that they had placed on the agenda an item designed to provide States Parties with an opportunity to share steps taken, and to discuss possible approaches including best practices, to reduce the humanitarian impact of mines that may pose similar risks to civilian populations as AP mines.

The ICRC reiterated longstanding attempts to agree on a common approach on how to deal with such mines and that it had hosted an experts meeting in March 2001 in order to identify practical steps to this end. It noted that the President’s Action Programme of the 3MSP had invited States Parties to review their inventories and to report on “best practices” of how to reduce the humanitarian impact of mines that may pose similar risks to civilian populations as AP mines. The ICRC suggested that States Parties use, on a voluntary basis, a reporting format that had been presented in an ICRC paper and stated that the Co-Chairs might find it useful to compile such information, without prejudice to the legal interpretation.

Austria pointed out that there are two different approaches with regard to interpreting Article 2. The approach that focuses on the purpose for which a mine was designed excludes AV mines with sensitive fuses or sensitive AHDs from the scope of the Convention, while the approach that focuses on how the mine functions would include such mines. In Austria’s view, both approaches are compatible with a good faith interpretation of Article 2. Austria voiced support for efforts to deal with AV mines comprehensively in the CCW and also the ICRC approach of practical steps and “best practices”. Austria stressed that the most important thing is to address the humanitarian impact of such mines and not the legal interpretation of the definition.

Chad pointed out that most civilian landmine victims in Chad resulted from incidents with AV mines and stressed that it is the objective of the Convention to reduce human suffering.

Norway stated that it has made all necessary modifications after reviewing its inventories of AV mines and had also redesigned all Claymore mines to only function in command-detonated mode.

The ICBL welcomed the information provided by States Parties but expressed concern that there had not been a wider exchange. It urged additional States Parties to contribute to this discussion, supported “best practices” as a way forward to reduce the humanitarian impact of such mines and stressed that not using these mines would be the best practice.

The Co-Chairs concluded that the discussion had provided greater clarity and highlighted the fact that many delegations referred to the humanitarian objectives of the Convention. They suggested that given the variety of interventions and the interest of States Parties, this issue will continue to be addressed in future meetings.

## **XII. Preparations for the Fourth Meeting of the States Parties**

The Co-Chairs recalled that the last meeting agreed to recommend to the 4MSP a draft programme of work, a draft agenda and draft rules of procedure. In addition, it was recommended that Switzerland serve as Secretary General to coordinate arrangements for the meeting’s opening ceremonies and side events and that the UN Secretary General be requested to appoint an Executive Secretary for the 4MSP.

The President-Designate of the 4MSP, Ambassador Jean Lint of Belgium, provided an update on preparations for the 4MSP, stressing the fact that only the 4MSP can take decisions on substantive issues. He also expressed his appreciation for the cooperation of the Geneva office of the UN Department of Disarmament Affairs (UNDDA) and of Switzerland.

Regarding draft cost estimates for the 4MSP, Ambassador Lint indicated that the UN had provided a new draft budget that took into account the requests made at the last meeting. He indicated his support for the use of these estimates for the 4MSP. Enrique Roman-Morey of the UNDDA, who had been designated as Executive Secretary, stressed the willingness of his office to assist fully in preparing for the meeting, announced that the UN had decided to transfer the trust fund for Meetings of the States Parties to Geneva, and introduced a UN budget officer to present the revised draft cost estimates. It was the sense of the meeting that the revised draft cost estimates were acceptable and the budget officer indicated that notes would be prepared requesting the States Parties to provide their assessed financial contributions to the 4MSP.

Ambassador Christian Faessler of Switzerland, the designated Secretary General of the 4MSP, provided an update on work being undertaken to organise the opening ceremony and side events. He stated that the Swiss Government would support these activities with a budget of CHF 200,000 and informed the meeting about the different activities that will take place.

Japan pointed out that a preparatory process for the Review Conference was needed and stated that the Intersessional Work Programme was not created for that purpose. It emphasised that the Review Conference should focus on priority areas related to the operation of the Convention. Brazil shared these views as did South Africa, which also suggested that the 4MSP should give a mandate to the President to undertake consultations with regard to a preparatory process for the Review Conference.

The Co-Chairs reiterated that many delegations had expressed a desire that consideration is given to clarifying a preparatory process for the Review Conference and discussion of options could begin as early as the 4MSP.



### **XIII. Experiences in implementing Article 1**

The Co-Chairs recalled that the President's Action Programme suggested further discussions of understandings of the word "assist" in Article 1(c) and encouraged States Parties to share information on their views. In addition, the Co-Chairs noted that the last meeting devoted some time to this issue and they had announced that more time would also be available for discussions on this issue during the May meeting. In this context, the Co-Chairs invited States Parties to share information on how, in operational terms, Article 1 is being implemented.

Sweden stated that the Convention could not yet be considered customary international law and thus the participation in joint operations with a State not bound by the Convention would therefore not constitute a breach of the Convention. Sweden indicated that it only participates in joint operations under Chapter 7 of the UN Charter and those operations under Chapter 7 should not be seen as potentially dangerous for the Convention.

Germany stressed that it would not support planning or use of AP mines in joint operations and that all members of the German Armed Forces received detailed information outlining their obligations under the Convention. Regarding stockpiling or transit of AP mines by a State not Party on its territory, Germany said there are specific prohibitions against this. It stated further that the Convention is not applicable to foreign military forces in Germany due to the fact that, under a 1954 agreement, US forces based in Germany are not under German jurisdiction or control.

Italy said that its domestic law allows for joint military operations with States not Parties using AP mines, but that it provided its armed forces with written directions not to violate the terms of the Convention.

Zimbabwe stated that with respect to joint operations its troops are always under command of Zimbabwean commanders and have separate spheres and areas of operations. Therefore its troops remain bound by its domestic laws even if they are operating beyond our borders and thus are not in any way directly or otherwise involved in any activity banned by the Convention wherever they are operating.

The Co-Chairs thanked the delegations for presenting their national views on this subject and noted the increasing clarity being brought to bear on this matter.

### **XIV. Update on the dialogue related to the facilitation and clarification of compliance**

The Co-Chairs recalled that the President's Action Programme 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. The Co-Chair also recalled that Canada submitted to the last meeting a non-paper identifying a set of questions for the continuation of a dialogue on this issue and that this non-paper was regarded as the basis for further consultations. Canada reported on the work done and introduced a paper which provided an update on activities since the last meeting. Canada indicated that considerable progress had been made on this matter and, that while there is growing agreement on the need to continue with concerted efforts to cooperate and to offer assistance in order to ensure full implementation of the Convention, divergent views persist on the advisability of and willingness to establish a new mechanism dealing with compliance matters.

Mrs. Brigitte Stern of the French National Commission for the elimination of anti-personnel mines (CNEMA) briefed the Standing Committee on preliminary findings of work undertaken on lessons learned from the fields of international humanitarian law and environmental law. VERTIC briefed the Standing Committee on a guide it is preparing on Article 8.

A number of delegations intervened and stated that they are not in favour of establishing a mechanism for compliance-related matters. Brazil, supported by others, highlighted the fact that compliance is related to assisting national efforts to implement the Convention and that effective implementation of Article 6 is therefore a priority. There was a general feeling that the dialogue on facilitation and compliance should continue in an open-ended format. The ICBL indicated that, while progress is being made regarding assistance to States Parties in implementing the Convention, there is a need to further clarify actions to be taken in the event that serious allegations of non-compliance are made.

The Canadian paper's reference to possible ways to engage regional organisations to facilitate considerations of specific issues of compliance was supported by some delegations. The Co-Chairs encouraged Canada to continue with its role in facilitating this dialogue.

## **XV. Matters pertaining to compliance concerns**

The Co-Chairs recalled that at the previous meeting they had stressed the importance of States Parties devoting attention to the issue of compliance and that at that meeting there was a very constructive discussion on a variety of matters related to compliance concerns. The Co-Chairs indicated that they had again placed this matter on the agenda to provide delegations with the opportunity to make further contributions to any matter pertaining to compliance concerns.

The ICBL expressed satisfaction with the approach taken regarding allegations of non-compliance by Uganda, which have been addressed in a cooperative and transparent manner. With regard to allegations of non-compliance by Tajikistan, the ICBL stated that there appears to be a lack of action by States Parties to seek clarification. In addition, the ICBL announced that the annual edition of the Landmine Monitor is in the process of being finalised and that some possible allegations of non-compliance are in the process of being verified. At this stage, the credibility of these allegations has not been clearly established.

The delegation of Uganda stressed that Uganda's commitment to the Convention will not be compromised. The Ugandan representative indicated that an investigation committee has been established in order to verify the existence of any violations of commitments under international humanitarian law, but that no new information could be reported at this moment.

The Co-Chairs noted that the discussion had again been a constructive one and had been held in a spirit of cooperation.

## **XVI. Closing remarks**

In its closing remarks, the ICBL highlighted the positive and intensified focus on the core humanitarian objectives of the Convention, and the positive ambiance and increased participation throughout the Intersessional week. The ICBL noted an enhanced "collective sense of ownership" and forward-looking planning by the various Standing Committees, which will both contribute to effectively addressing victim assistance needs and meeting the Convention's deadlines for mine clearance and stockpile destruction. The ICBL urged all States not Parties to join the Convention before the 4MSP.

In its closing remarks, Nicaragua in its capacity as the Presidency of the 3MSP, expressed its satisfaction that dozens of States Parties had taken advantage of the increased opportunities that were provided during the Intersessional week to share information on problems, plans, progress and needs for assistance, and, as well as on sources of assistance. In addition, Nicaragua urged States Parties to keep in mind that the Standing Committees had identified important priorities. It argued that the Standing Committees' efforts should not be thought of as discrete elements but rather as parts of a continuum of work leading the international community closer toward the achievement of the Convention's humanitarian aims.