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**Meeting of the States Parties to the Convention  
on the Prohibition of the Use, Stockpiling,  
Production and Transfer of Anti-Personnel  
Mines and on Their Destruction**

8 November 2011

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**Eleventh Meeting**

**Phnom Penh, 28 November – 2 December 2011**

Item 12 of the provisional agenda

**Consideration of requests submitted under Article 5**

**Report  
Consideration of requests for extensions  
to Article 5 deadlines 2010-2011**

**Submitted by the President of the Tenth Meeting of the States Parties\***

1. At the 2006 Seventh Meeting of the States Parties (7MSP), the States Parties established “a process for the preparation, submission and consideration of requests for extension to Article 5 deadlines.” This process includes the President and the Co-Chairs and Co-rapporteurs of the Standing Committees jointly preparing an analysis of each request. In doing so, this group of 17 States Parties (hereafter referred to as the “analysing group”) is tasked, along with requesting States Parties, with cooperating fully to clarify issues and identify needs. In addition, in preparing each analysis, the analysing group in close consultation with the requesting State, should, where appropriate, draw on expert mine clearance, legal and diplomatic advice, using the Implementation Support Unit (ISU) to provide support. Ultimately, the President, acting on behalf of the Co-Chairs and Co-Rapporteurs, is charged with submitting the analyses to the States Parties well before the Meeting of the States Parties or Review Conference preceding the requesting State’s deadline.

2. At the 7MSP, the States Parties agreed “to encourage States Parties seeking Article 5 extensions to submit their request to the President no fewer than nine months before the Meeting of the States Parties or Review Conference at which the decision on the request would need to be taken.” At the 10MSP, the States Parties recalled the importance of the timely submission of extension requests for the overall effective functioning of the Article 5 extension process and, in this context, recommended that requesting States Parties submit requests no later than 31 March of the year when the request would be considered (i.e., the year prior to the State Party’s deadline).

3. Following up on a recommendation of the President of the Second Review Conference, the President, assisted by the ISU and with financial support provided by Norway, convened a workshop on 7 March 2011 for the representatives of States Parties mandated to analyse requests to increase their knowledge and expertise with respect to the

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\* Late submission.

technical subject matter contained within Article 5. The workshop was also intended to ensure that the representatives of States Parties mandated to analyse requests were fully aware of the analysing group's working methods.

4. In accordance with the decisions of the 8MSP, requests to be considered at the Eleventh Meeting of the States Parties (11MSP) should normally have been submitted no later than the end of March 2011. On 31 March 2011, the President received requests submitted by Algeria, the Democratic Republic of the Congo and Eritrea. On 14 April 2011, the President received a request submitted by Chile.

5. As a result of a cooperative dialogue with the analysing group, three States Parties revised their requests and submitted these revisions as follows: Algeria on 17 August 2011, the Democratic Republic of the Congo on 11 September 2011 and Eritrea on 11 August 2011.

6. In accordance with the decisions of the 8MSP, each request and each revised request received by the President was made available on the Convention's website.

7. In accordance with working methods of the analysing group, agreed to by the analysing group in 2008, the Co-Chairs of the Standing Committee on Mine Clearance, with the support of their Co-Rapporteurs, made an initial determination of the completeness of each request and generated questions to obtain additional information from each requesting State Party. The President forwarded these questions to the concerned State Parties with each providing a detailed response.

8. On 20 May 2011, the analysing group met to share initial views on the four requests that had been received by that date. In addition, in keeping with past practice, the ICBL and the ICRC were invited to share their views on the requests. The analysing group also noted that four States Parties with 2012 deadlines did not submit requests: Denmark, Guinea Bissau, Jordan and Uganda. In addition, the analysing group noted that one State Party with a 2011 deadline, Congo, had neither provided clarity on whether it would be in a position to fulfil its Article 5 obligations by its 1 November 2011 deadline nor submitted a request for extension for consideration by the 10MSP.

9. The analysing group met on 21 June 2001, 22 June 2011 and 24 June 2011, primarily to engage in informal discussions with representatives of requesting States Parties. Algeria, Chile and the Democratic Republic of the Congo each accepted the analysing group's invitation to take part in such discussions.

10. The analysing group met for a final time on 5 September 2011 to consider draft analyses. In addition, throughout September and October additional deliberations were held electronically. Analyses on the requests submitted by Algeria and Chile were forwarded to the 11MSP Executive Secretary on 27 September 2011. The analysis on the request submitted by Eritrea as forwarded on 8 October 2011 and the analysis on the request submitted by the Democratic Republic of the Congo was submitted on 21 October 2011.

## **Observations and recommendations**

11. For the fourth year in a row, the analysis process highlighted that some requesting States Parties, almost ten years after entry into force, still lacked clarity regarding "the location of all mined areas that contain or are suspected to contain, anti-personnel mines under (their) jurisdiction or control", a matter that States Parties are obliged to report on in accordance with their obligations under Article 7 of the Convention. It is recommended, therefore, once again, that all States Parties in the process of implementing Article 5, particularly those that may believe it will be necessary at a future date to submit an extension request, intensify and accelerate efforts to locate and report on all mined areas

that contain, or are suspected to contain, anti-personnel mines under (their) jurisdiction or control.

12. The analysis in 2011 underscored the importance, as has been recorded by States Parties in the past, of States Parties that lack clarity regarding their Article 5 challenge “requesting only the period necessary to assess relevant facts and develop a meaningful forward looking plan based on these facts”.

13. The analysis in 2011 underscored the importance, as has been recorded by the States Parties in the past, of the States Parties agreeing that those that have been granted extensions be asked to report regularly on time-bound commitments made in requests and on the decisions taken on requests.

14. At the 10MSP the States Parties “recalled the importance of the timely submission of extension requests to the overall effective functioning of the Article 5 process” and “recommended that all States Parties that wish to submit requests do so no later than 31 March of the year when requests would be considered.” In this context, there was improved performance on the part of requesting States Parties in 2011 in terms of the timely submission of requests.

15. Notwithstanding the timely submission of requests by Algeria, Chile, the Democratic Republic of the Congo and Eritrea, in 2011, for the first time, the deadline for a State Party passed without the State Party indicating with clarity the location of all mined areas that contain or are suspected to contain, anti-personnel mines under its jurisdiction or control and without the State Party submitting an extension request on its deadline. As of 1 November 2011, the State Party in question, Congo, had still not provided this clarity. It is recommended that the 11MSP express its concern regarding the lack of clarity regarding the status of implementation of Article 5 by Congo. It is further recommended that in order to prevent similar situations from occurring in the future, the 11MSP should encourage States Parties to communicate with the Presidency in a timely manner if there is an issue that arises that may place a State Party in a situation of non-compliance with Article 5.

16. At the 10MSP, the President of the Second Review Conference noted that the Article 5 extension request process places a heavy burden on the representatives of those States Parties that are mandated to analyse the requests. The President of the Second Review Conference recommended that the President, with the support of the ISU, should consider ways and means to increase the knowledge and expertise of the analyzing group with respect to the technical subject matter contained within Article 5 requests. The 10MSP President acted on this recommendation, with assistance from the ISU and financial support from Norway, and convened a workshop on 7 March 2011 to increase the knowledge and build the capacity of representatives of States Parties mandated to analyse requests.

17. While there was widespread appreciation for the 7 March 2011 workshop for representatives of States Parties mandated to analyse requests, it was observed in 2011 that the analysis process requires a renewed commitment from Co-Chairs and Co-Rapporteurs. It is recommended that States Parties considering taking on the task as serving as a Co-Chair/Rapporteur recall that a central aspect of their responsibilities involves actively contributing to the analysis process.

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