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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**

29 November 2012

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**Twelfth Meeting****Geneva, 3-7 December 2012**

Item 9 of the provisional agenda

**Article 5 extension requests and the extension request process****Report****The analysis of requests for extensions to Article 5 deadlines  
2011-2012****President of the Eleventh 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 Tenth Meeting of the States Parties (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, convened a half day briefing on 30 March 2012 for the representatives of States Parties mandated to analyse requests to ensure that

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\* Document submitted late after the established deadline.

representatives had the necessary background on Article 5 and the Article 5 Extension Request Process.

4. In accordance with the decisions of the 7MSP, requests to be considered at the Twelfth Meeting of the States Parties (12MSP) should normally have been submitted no later than the end of March 2012. On 29 March 2012, the President received a request submitted by Afghanistan. On 30 March 2012, the President received requests submitted by Angola and Zimbabwe. On 30 April 2012, the President received a request submitted by Cyprus. As a result of a cooperative dialogue with the analysing group, two States Parties revised their requests and submitted this revision as follows: Afghanistan on 31 August 2012 and Zimbabwe on 25 October 2012. In accordance with the decisions of the 7MSP, each request and each revised request received by the President was made available on the Convention's website.

5. 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-rapporteur, 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.

6. With a view to streamlining the work of the group of States Parties mandated to analyse Article 5 extension requests, the President invited expert input on the requests from eleven expert organizations selected on the understanding that they are the world's leading not-for-profit organizations with demining expertise. Of the organizations invited to provide input, the following did so with respect to some or all of the requests: DanChurchAid, the Danish Demining Group, the HALO Trust, the Geneva International Centre for Humanitarian Demining, the International Committee of the Red Cross, Norwegian People's Aid and the International Campaign to Ban Landmines. Analysing group members were extremely appreciative for the input provided.

7. On 16 May 2012, the analysing group met to share initial views on the four requests that had been received by that date. The analysing group met on 22, 23, 24 and 25 May 2012, primarily to engage in informal discussions with representatives of requesting States Parties. Each of the States Parties which submitted a request in 2012 accepted the analysing group's invitation to take part in such discussions. The analysing group additionally met on 5 July 2012, 3 September 2012 and 19 September 2012. On 3 September 2012, in keeping with past practice, the ICBL and the ICRC were invited to share their views on the requests. Following its last meeting on 19 September, the analysing group completed its work by email.

8. The analysis on the requests submitted by Afghanistan was forwarded to the 12MSP Executive Secretary on 20 September 2012. The analysis on the request submitted by Cyprus was forwarded on 1 October 2012. The analysis on the request submitted by Angola was forwarded on 8 October 2012. The analysis on the request submitted by Zimbabwe was forwarded on 12 November 2012.

9. At the Eleventh Meeting of the States Parties (11MSP), in noting the importance of preventing or addressing further potential Article 5 compliance issues, the Meeting recommended that the Co-Chairs of the Standing Committee on Mine Clearance should hold informal consultations with States Parties and that these consultations as a preventative measure should be undertaken well in advance of deadlines. The Co-Chairs followed up on this recommendation by meeting, in the first trimester of 2012, with representatives of many of the States Parties which are in the process of implementing Article 5.

10. The 11MSP agreed that should any other State Party find itself in a potential position of non-compliance with Article 5 obligations, it should act in a committed and transparent way, immediately communicating, preferably in the form of a note verbale addressed to all States Parties, the reasons, which should be extraordinary, for its anticipated failure to comply. On 4 September, the Implementation Support Unit, at the request of Uganda, distributed documentation to all States Parties in which Uganda communicated the reasons why it was unable to complete implementation by its 1 August 2012 deadline and the steps it was taking to bring itself into a state of compliance.

11. It was observed that one State Party with a deadline in 2013, the Republic of the Congo, neither submitted a request for consideration by the 12MSP nor indicated whether it will complete implementation by its 1 January 2013 deadline.

### **Observations and recommendations**

12. For the fifth 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. It is further recommended that States Parties in the process of implementing Article 5 act upon the agreement made at the 11MSP to “report as required annually on the location of all mined areas that contain, or are suspected to contain, anti-personnel mines under their jurisdiction or control, progressively improving the information that is provided” and to “report as required on the status of programmes for the destruction of anti-personnel mines in accordance with Article 5, providing as much detail as possible.”

13. The analysis in 2012 again 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”. Two States Parties submitted requests in 2012 on the basis that they needed time to “assess relevant facts and develop a meaningful forward looking plan based on these facts.” However, members of the analysing group observed that the amount of time requested by one of these States Parties appeared to exceed what was required to carry out these tasks.

14. The analysis in 2012 again 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.

15. 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.” It was observed that States Parties which submitted requests in 2012 generally adhered to this requested submission date.

16. The 11MSP 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 and in this context recommended that those States Parties mandated to analyse requests in 2012 reflect on the process to date with a view to identifying efficient methods to ensure that high quality requests and analyses are prepared and with a view to recommendations on this

matter being submitted for consideration at the 12MSP. The President prepared and submitted to the 12MSP a paper on behalf of the States Parties mandated to analyse requests submitted under Article 5 of the Convention reflecting on the Article 5 extension process and containing 14 recommendations with regard to ensuring that high quality requests continue to be submitted, that high quality analyses continue to be prepared and that a cooperative engagement of Article 5 implementing States Parties continues after requests have been granted.

17. It was again observed in 2012 that the analysis process requires a sizeable commitment from Co-Chairs. It is recommended that States Parties considering taking on the task of serving as a Co-Chair recall that a central aspect of their responsibilities involves actively contributing to the analysis process.

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