

**Notes for ICRC statement on the Extension Request Process,
12th Meeting of States Parties to the Mine Ban Convention
Geneva, 4 December 2012**

The ICRC warmly welcomes the President's reflections on the Article 5 Extensions Process, which are timely, now that five years of experience has been acquired in the consideration of extension requests. Since the first extension requests were submitted in 2008, a total of 34 requests have been considered by the States Parties, while processes have been clarified and improved.

Each year since 2008 the ICRC has been asked by the Analysing Group to provide its views on the extension requests. While we have not been in a position to comment on every request, we have valued the opportunity to engage with the Analysing Group after bilateral consultation with the requesting States or to share our observations on general trends emerging from the requests.

As mentioned in the President's paper, the ICRC has also been asked to provide its views on legal matters. As mentioned already yesterday, this has included a legal opinion on the interpretation of Article 5.5, which we consider remains relevant to this day. According to that opinion, the obligation for States Parties to "assess" an extension request requires the States Parties to evaluate the appropriateness of the length of the requested extension, in light of the context and object and purpose of the treaty. The obligation to "decide" on the request includes the possibility to grant an alternative length of time to that sought in the request if it is felt that the required work could be completed within a shorter timeframe, and to attach conditions or comments to the decision.

Over the years, there have been a number of examples where, as a result of dialogue between the Analysing Group and the requesting State, the State has reduced the time sought in its request. Decisions on extension requests have also regularly included comments and expressed concerns, or specifically referred to the commitments and expectations of the State Party during the extension period.

We agree with the President that in a number of cases, the extension request process has greatly assisted States Parties to gather and share comprehensive information on the status of the remaining Article 5 challenge. It is unfortunate, however that many States were unable to provide this information earlier, despite their reporting obligations in Article 7. In some cases, it appears that States only began to seriously address their Article 5 obligations when they had to prepare their extension request, almost ten years after entry into force.

The ICRC considers that the system of "interim" requests that has been encouraged over recent years has been a very positive development. In addition to obliging States to focus on securing the necessary information before submitting a comprehensive supplementary extensive request, this system has ensured the improved oversight of States that still did not know the extent of their mined areas after expiry of their original Article 5 deadlines.

We would like to lend our support to all 14 of the recommendations in the President's paper, which are common sense and clear. We would like to highlight in particular recommendations No. 4-6 and 12-14, which encourage the inclusion of a detailed demining plan in each extension request, as well as annual benchmarks in the analyses and decisions, against which States Parties are expected to report. We note that the Analyses of this year's requests already include some annual benchmarks, which we believe will greatly assist both the requesting States and those responsible for the oversight of Article 5 implementation to measure the implementation of plans and commitments over future years.

In conclusion, the ICRC fully supports the recommendations in the President's paper. We wish to take this opportunity to thank the Analysing Group for its work and the very high quality of analyses this year, as well as the ISU for its invaluable support to the process, including work with requesting States to try to ensure the submission of the best possible extension requests.

In our view, the manner in which Article 5 extension requests are handled has consequences not only for the potential victims of anti-personnel mines but also for the credibility of this Convention and other weapons treaties. The future success of the extension process depends on an ongoing robustness and commitment of all concerned.