
Fifth Meeting
Bangkok, 15-19 September 2003
Item 11 of the provisional agenda

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

Final Report*
2002-2003

I. Introduction

1. The Standing Committee on the General Status and Operation of the Convention, established in accordance with the decisions and recommendations of Meetings of the States Parties, met in Geneva on 3 and 7 February 2003, and 12 and 16 May 2003. These meetings were convened by its Co-Chairs, Ambassador Wolfgang Petritsch of Austria and Mr. Gustavo Laurie of Peru, with the support of its Co-Rapporteurs, Ms. Socorro Rovirosa of Mexico and Mr. Alexander Verbeek of the Netherlands.
2. Representatives of more than 90 States Parties, 30 States not Parties, the United Nations, the International Campaign to Ban Landmines (ICBL), the International Committee of the Red Cross (ICRC) and numerous other international and non-governmental organizations participated in the work of the Standing Committee. The meetings were held in Geneva with the support of the Geneva International Centre for Humanitarian Demining. Interpretation was provided thanks to the support of the European Commission.
3. The Co-Chairs emphasised that the programmes they had developed for the Standing Committee meetings were intended to provide a broad overview of progress towards the achievement of the Convention's core humanitarian aims while at the same time providing opportunities for dialogue on specific articles of the Convention.

II. Overview of the status of implementation:

4. The President of the Fourth Meeting of the States Parties (4MSP) provided updates on the general status of implementation of the Convention, particularly noting actions that had been taken in the context of the President's Action Programme and its emphasis on achieving the core humanitarian aims of the Convention.

* This report has been submitted by the Co-Chairs of the Standing Committee, Austria and Peru. This report is the Co-Chairs' summary of the breadth of work undertaken by the Standing Committee during the 2002-2003 Intersessional period. It remains the responsibility of the Co-Chairs and is not a negotiated document.

With respect to universalization, it was noted that whereas at the end of the 4MSP 128 States had formally accepted the Convention, by the end of the May 2003 meeting of the Standing Committee the number of States that had ratified or acceded to the Convention stood at 134. With respect to stockpile destruction, it was noted that the first deadline for destruction occurred on 1 March 2003 and that all 45 States Parties which had a deadline on that date had reported that they had completed destruction in accordance with Article 4. With respect to mine clearance, it was noted that while 45 States Parties may have mined areas, the first of the States Parties that had reported mined areas had indicated that it had completed clearance in accordance with Article 5. And concerning victim assistance, it was noted that while the Convention had made gains in highlighting at the international level the challenges faced by landmine survivors and other persons with disabilities, much more needed to be done at the national level to communicate the State-specific challenges, plans to overcome them, progress that has been made and priorities for outside assistance. The President of the 4MSP also highlighted the breadth of regional activity that has taken place during 2002-2003, which he had noted in the President's Action Programme as being a priority during this period.

III. Overview of the general status of universalization

5. It was reported that between the end of the 4MSP and the end of the May 2003 Standing Committee meeting, six additional States had ratified or acceded to the Convention: The Gambia, Central African Republic, Cyprus, Sao Tome et Principe, East Timor, and Lithuania. In addition, several other States – including Greece, Indonesia, Papua New Guinea and Turkey – reported that they were in the final stages of formally accepting the Convention.

6. The ongoing work of the Universalization Contact Group was highlighted, with special note given to the role of States Parties' partners in universalization efforts – including the work undertaken by actors such as parliamentarians, the Human Security Network and the ICBL, or within multilateral fora including the Non-Aligned Movement, the Inter-Parliamentary Union and regional organizations. In addition, a new initiative to promote increased military-to-military dialogue was highlighted.

IV. Mobilising resources to achieve the Convention's humanitarian aims

7. It was recalled that at the 4MSP it was suggested that all relevant actors take necessary steps and maintain frequent contact to ensure that by the Review Conference a significant renewal of the collective commitment is made to eliminating anti-personnel mines. In this regard, the establishment of a Resource Mobilisation Contact Group was welcomed.

8. Matters regarding resource mobilization which were highlighted included the role of States Parties – both traditional donors but also mine-affected countries themselves. The Contact Group Coordinator distributed detailed reports on resources generated since the Convention's establishment, with these reports indicating in part that mine-affected States Parties have made substantial contributions to resolving their own landmines problems. The roles of multilateral organizations and development banks in resource mobilization were highlighted as well. In addition, it was stressed that resource mobilization must be considered more than simply money raised but rather should be understood in the context of both the need for integration of mine action into broader development programming and an increased emphasis on national ownership and coordination.

V. Matters related to the general operation of the Convention

A. Intersessional Work Programme

9. The Co-Chairs proceeded with their traditional role of consulting with a view to developing a list of prospective Co-Rapporteurs for the 2003-2004 Intersessional Work Programme. Based on these consultations, the Co-Chairs reported that they will propose to the Fifth Meeting of the States Parties (5MSP) the following:

- 9.1. Standing Committee on the General Status and Operation of the Convention: South Africa and New Zealand.
- 9.2. Standing Committee on Victim Assistance and Socio-Economic Reintegration: Nicaragua and Norway.
- 9.3. Standing Committee on Mine Clearance, Mine Risk Education and Mine Action Technologies: Algeria and Sweden.
- 9.4. Standing Committee on Stockpile Destruction: Bangladesh and Canada.

10. At both meetings of the Standing Committee, the Co-Chairs emphasized their understanding that the States Parties' expectations for the Co-Rapporteurs who would serve during the 2003-2004 Intersessional Work Programme would be different than in the past given that the culmination of the upcoming Intersessional Programme will be a Review Conference rather than an annual Meeting of the States Parties. That is, the Co-Chairs noted that the appointment of Co-Rapporteurs for 2003-2004 should be made without prejudice to the decisions taken at the Review Conference with respect to these Co-Rapporteurs assuming further roles in the period following the Review Conference.

B. Coordinating Committee

11. As requested by the States Parties at the 4MSP, the Chair of the Coordinating Committee reported on its activities, noting that, between the 4MSP and the May meetings of the Standing Committees, the Coordinating Committee had met seven times with its focus on preparations for the Standing Committee meetings, enhancing participation in these meetings and encouraging an emphasis on progress in the pursuit of the Convention's core humanitarian aims.

C. Implementation Support Unit

12. The Director of the GICHD and the Manager of the Implementation Support Unit (ISU) provided updates on the work of the ISU, noting in particular the establishment of the Convention's documentation centre and enhanced efforts to ensure that the States Parties receive the information they need in order to participate fully in the work of the Convention. It was also noted that between the approval of the mandate to establish the ISU the end of the May meetings of the Standing Committees, 11 States Parties had made financial contributions to the ISU Trust Fund.

D. Sponsorship Programme

13. The Coordinator of the Sponsorship Programme provided updates to the Standing Committee, noting that while additional donors continue to join the programme, demand for funds continues to outpace supply. The Coordinator stressed that additional resources will be needed to sustain the programme into 2004 and that it was hoped that those who have benefited from the programme would review their required level of assistance in order to ensure necessary support for others.

E. Preparations for the Fifth Meeting of the States Parties (5MSP)

14. In keeping with past practice, the first meeting of the Standing Committee reviewed a draft agenda, a draft programme of work, draft rules of procedure and provisional cost estimates for the 5MSP. At the second meeting of the Standing Committee, a revised draft programme of work was reviewed, taking into consideration the need to make various changes to accommodate the meeting's opening ceremony. It was the Co-Chairs' sense that the draft agenda, revised draft programme of work, draft rules of procedure and provisional cost estimates could be put before the States Parties for their acceptance at the 5MSP.

15. The Standing Committee also noted the appointment by the United Nations Secretary-General of Mr. Enrique Roman-Morey as Executive-Secretary of the 5MSP, the nomination by Thailand of two individuals who would serve as Co-Secretaries-General of the 5MSP, and of updates provided by Thailand on various organizational matters.

16. In addition, in the context of discussions on preparations for the 5MSP, it was announced that various States Parties intended to host regional activities, either before the 5MSP or in the period leading to the Review Conference.

VI Matters pertaining to particular Articles of the Convention

A. Article 1

17. The Co-Chairs provided opportunities for States Parties to share information in an informal and voluntary manner in their national experiences in the implementation of Article 1, particularly with respect to operational understandings of the word "assist" in Article 1, paragraph 1c. It was noted that an increasing number of national views was bringing greater clarity to this matter. The ICBL, while expressing concern about joint operations involving States Parties and States not party to the Convention with respect to military actions in Afghanistan and Iraq, indicated its belief that there are a number of areas where common views are emerging regarding what States Parties should not do when engaged in such joint operations. It reiterated its view that a common understanding of this matter would strengthen the Convention.

B. Article 2

18. The Co-Chairs provided opportunities for States Parties to share information in an informal and voluntary manner on their national experiences in the implementation of Article 2. Several States Parties shared their experiences and points of view regarding the application and understanding of the article. The ICBL urged greater progress in clarifying the definitions

contained in the article, reiterating its view that mines which are capable of being activated by the unintentional act of a person, meet the definition of an anti-personnel mine under the Convention. The ICRC reiterated its view that a mine which is likely to be detonated by the presence, proximity or contact of a person is an anti-personnel mine, regardless of intent or of how the mine is labeled.

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

19. The Co-Chairs provided opportunities for States Parties to discuss steps taken, and possible approaches, to reduce the humanitarian impact of mines that may pose similar risks to civilians as anti-personnel mines. The ICRC recalled that it had hosted an experts meeting in March 2001 in order to identify practical steps to this end and proposed that in the lead-up to the First Review Conference a process be undertaken to identify “best practices” which would culminate in an “understanding” on this issue for possible adoption at the Review Conference. However, at the May 2003 meeting of the Standing Committee the ICRC concluded that States Parties apparently are unwilling to engage in such a process. For their part, several States Parties expressed their view that matters related to mines other than anti-personnel mines should be discussed within the context of the Convention on Certain Conventional Weapons, whereas others stressed the importance of keeping this matter on the agenda of the Standing Committee.

C. Article 3

20. The Co-Chairs provided opportunities for States Parties to share information in an informal and voluntary manner on their national experiences in retaining, using and planning to use anti-personnel mines in accordance with Article 3. Some States Parties made use of this opportunity to express their views on the Article or to provide further clarity on mines retained. Several confirmed that the understanding of negotiators of the Convention was that the number of mines retained in accordance with the Article should be in the hundreds or thousands, but not in the tens of thousands. The ICBL expressed its concern about some States Parties, which in its view are retaining excessive numbers of mines and, in particular, regarding the number of mines retained by one State Party. Several States Parties shared this concern. The ICBL further reiterated its view that States Parties should provide voluntary information in their Article 7 reports on the intended purpose and actual use of anti-personnel mines in accordance with the Article.

D. Article 7

21. The Coordinator of the Article 7 Contact Group reported on the status of Article 7 reporting, noting that by the end of the May 2003 meetings of the Standing Committees 90 percent of initial reports had been submitted in accordance with paragraph 1 of the article. In addition, it was emphasized that in accordance with paragraph 2 of the Article, Article 7 reporting is an annual obligation with States Parties required to submit reports by 30 April of each year.

22. It was noted that the United Nations had transferred responsibility for the receipt of Article 7 reports from New York to the office of the United Nations Department for Disarmament Affairs in Geneva. States Parties were urged to submit reports electronically to the following address: mbc_article7@un.org.

23. It was also noted that three States not Parties had voluntarily submitted Article 7 reports in accordance with the encouragement to do so in United Nations General Assembly Resolution 57/74.

E. Article 8

Dialogue related to the facilitation and clarification of compliance

24. Updates were provided on the ongoing informal dialogue related to the facilitation and clarification of compliance, with it being noted that the non-governmental organization VERTIC had prepared a *Guide to Fact Finding Missions*. Some States Parties indicated their appreciation for this effort whereas others questioned the need for such a guide.

25. While no other suggestion had been made for a discussion topic in the context of this ongoing dialogue, the open invitation for States Parties to propose topics was highlighted. (*Following the May 2003 meeting of the Standing Committee, a request has been made for discussions on the relationship between Articles 8 and 9*). For its part, the ICBL urged an ongoing, lively dialogue in part given its view that in the event of serious allegations of non-compliance Article 8 should be made operational.

Matters pertaining to compliance concerns

26. The Co-Chairs provided opportunities for informal discussions on any matter related to compliance concerns. The ICBL again urged the States Parties, in time for the Review Conference, to place a high priority on ensuring a more coordinated and effective response to compliance concerns. It was also noted that the ICBL recalled that the Vienna Convention on the Law of Treaties states that treaty signatories must refrain from acts that would defeat the spirit and purposes of the instrument that they have signed.

F. Article 9

27. The Co-Chairs provided opportunities for States Parties to share experiences with respect to efforts to establish legislative, administrative and other matters in accordance with Article 9 to prevent or suppress any activity prohibited by the Convention. It was noted that 35 States Parties have adopted legislation, 21 States Parties are in the process of doing so and 13 States Parties consider existing laws sufficient to meet Article 9 obligations.

VII. An assessment of needs that remain

A. The general status of implementation and universalization

28. The Intersessional Work Programme's focus in 2002-2003 on the Convention's core humanitarian aims highlighted progress and challenges in those areas most pertinent to the achievement of the Convention's promise:

- 28.1. The Co-Chairs therefore recommend that the Standing Committee in 2003-2004 again ensure that central focus is placed on assessing progress with respect to the core humanitarian aims as well as on those key areas – such as resources and information – that drive progress.

29. With respect to universalization, the Standing Committee's emphasis in 2002-2003 on partnership and the contributions that could be offered by a multitude of actors underscored the importance of the Universalization Contact Group as an informal means to coordinate cooperative universalization efforts:

- 29.1. The Co-Chairs therefore recommend that the Contact Group enhance its efforts in 2003-2004 in the aim of ensuring that more States not party to the Convention ratify or accede to it in advance of the Review Conference.
- 29.2. In addition, the Co-Chairs recommend that all States Parties, the President of the 5MSP and all interested actors continue to play an active role in promoting acceptance of the Convention.

B. The general operation of the Convention

30. In 2002-2003, the States Parties were well served by the implementation mechanisms that they have established. With this in mind, the Co-Chairs recommend the following:

- 30.1. With respect to the **Intersessional Work Programme**, the Co-Chairs recommend that the States Parties emphasise the value and importance of the Intersessional Programme in the final year leading to the Review Conference and highlight the need to continue to focus with great clarity on the areas most directly related to the core humanitarian objectives.
- 30.2. Furthermore with respect to the Intersessional Work Programme, the Co-Chairs recommend that all mine-affected States Parties, those requiring assistance in meeting the needs of landmine survivors, and those in the process of destroying stockpiled anti-personnel mines, be encouraged to use the opportunity presented by the Intersessional Programme to present the problems they face in these areas, their plans to overcome these challenges, progress that has been made, and priorities for outside assistance.
- 30.3. Concerning the schedule for the Intersessional Work Programme between the 5MSP and the Review Conference, the Co-Chairs recommend that Standing Committee meetings be held the weeks of 9-12 February 2004 and 21-25 June 2004, and, that the Coordinating Committee continues to be practical-minded and applies the principle of flexibility with respect to the format of Standing Committee meetings, and their sequencing and respective time allocations.
- 30.4. With respect to the **Coordinating Committee**, the Co-Chairs recommend that the States Parties again recognize the value and importance of the Coordinating Committee in the effective functioning and implementation of the Convention and for operating in an open and transparent manner.
- 30.5. With respect to the **Implementation Support Unit**, the Co-Chairs recommend that the States Parties express their appreciation to the GICHD for the manner in which the ISU is making a positive contribution in support of the States Parties' efforts to implement the Convention.

31. Mechanisms that have emerged on an informal basis also have played a significant role in contributing to the effective operation and implementation of the Convention.

- 31.1. With respect to the **Sponsorship Programme** in particular, the Co-Chairs recommend that States Parties express their appreciation for the manner in which the Sponsorship Programme has helped ensure more widespread participation at meetings of the Convention.

C. The Articles of the Convention

- 31.2. Given the increasing clarity that has emerged to date with respect to States Parties' understandings of the application of **Article 1** and **Article 3**, the Co-Chairs recommend that States Parties continue to share information, in an informal and voluntary manner in the year preceding the Convention's First Review Conference, with a view to developing common understandings on these matters at the Review Conference.
- 31.3. Similarly, the Co-Chairs recommend that States Parties continue to share information in an informal and voluntary manner in meetings of the Standing Committee on their experiences in applying **Article 2** and with respect to mines that may pose similar risks to civilians as antipersonnel mines with a view to achieving a convergence of views on outstanding issues.

32. With respect to **Article 6**, 2002-2003 was a watershed year in increasing understanding of matters pertaining to resource mobilization and in highlighting our collective responsibility to generate the necessary resources and to apply them in an effective manner in the aim of ensuring that the Convention can live up to its humanitarian promise.

- 32.1. In this regard, the Co-Chairs recommend that the Resource Mobilization Contact Group continue its intensive efforts to encourage all States Parties, multilateral organizations, development banks, the private sector and other relevant actors to renew their commitments prior to or during the Review Conference.
- 32.2. With respect to **Article 7**, the Co-Chairs recommend that States Parties continue to give due regard to the reporting requirements contained in the article with a view to ensuring a 100 percent rate of compliance with the Article by the time of the First Review Conference.
- 32.3. Furthermore, the Co-Chairs recommend that the Article 7 Contact Group, individual States Parties, the President of the 5MSP and relevant organizations continue to promote these provisions and means to assist States Parties in complying with them.
- 32.4. In addition, the Co-Chairs again recommend that States Parties maximize the potential of the existing reporting format 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.

- 32.5. On matters related to **Article 8**, the Co-Chairs recommend that the dialogue on facilitation and compliance should continue in an open-ended format and that Canada should continue facilitating this dialogue as long as interest holds.
 - 32.6. In recalling that **Article 9** is the cornerstone of the Convention's compliance mechanisms, the Co-Chairs recommend that, in advance of the Review Conference, all States Parties that have not yet done so take all appropriate legal, administrative and other measures to prevent or suppress any activity prohibited by the Convention.
 - 32.7. In addition, the Co-Chairs recommend that States Parties use the opportunity presented by the Standing Committee to highlight good practices in the application of Article 9 and to request assistance if necessary.
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