

Eighth Meeting
Dead Sea, 18– 22 November 2007
Item 11 (c) of the agenda
**Considerations of the general status and operation
of the Convention**
Clearing mined areas

AN ORIENTATION TO THE PROCESS CONCERNING ARTICLE 5 EXTENSION REQUESTS

Submitted by the President of the Eighth Meeting of the States Parties

Introduction

1. At the 18-22 September 2006 Seventh Meeting of the States Parties (7MSP), the States Parties agreed “to establish a process for the preparation, submission and consideration of requests for extension to Article 5 deadlines.” The purpose of this document is to provide an orientation to this process and an explanation of how the President of the Eighth Meeting of the States Parties (8MSP) intends to facilitate this process during the period between the 8MSP and the Ninth Meeting of the States Parties (9MSP).

Part I. Preparing requests

2. It was agreed “that requesting States Parties are encouraged, as necessary, to seek assistance from the Implementation Support Unit in the preparation of their requests.”

3. It was further agreed “to work further on the voluntary template (...), proposed as the basis to facilitate preparation and assessment of extension requests, with a view to its finalisation by the conclusion of the 2007 intersessional meetings, so to enable its voluntary implementation until its formal adoption at the Eighth Meeting of the States Parties.”

4. In addition, it was agreed “to strongly encourage States Parties seeking Article 5 extensions to append their national demining plans to their extension requests.”

- (a) The President wishes that States Parties continue to make use of the expert support provided by the Implementation Support Unit in the preparation of their extension requests.
- (b) The President encourages States Parties, in preparing their requests, to be pragmatic in using or adapting for use the voluntary template, and, to incorporate into their extension requests relevant aspects of their national demining plans.

Part II. Submitting requests

5. It was 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.”

6. It was further agreed “that the President, upon receipt of an extension request, should inform the States Parties of its lodgement and make it openly available, in keeping with the Convention’s practice of transparency.”

- (a) All States Parties with an Article 5 deadline on or before 1 December 2009 which believe that they will be unable to comply with Article 5 obligations no later than ten years after entry into force would need to have their requests considered at 9MSP.
- (b) In accordance with the above mentioned decision, the President encourages relevant States Parties to submit preliminary requests in March 2008.¹ These requests should be addressed to the President of the 8MSP, c/o the Implementation Support Unit.
- (c) In accordance with the practice used with respect to reports submitted under Article 7 of the Convention, reports should be submitted electronically in one of the authentic languages of the Convention.
- (d) At the end of March 2008, the President will inform the States Parties of all requests received during the course of that month or previous to it and subsequently will provide updates on additional requests received.
- (e) The President will make all requests received openly available on the Convention’s web site established by the Implementation Support Unit (www.apminebanconvention.org).

¹ Relevant States Parties may include: Bosnia and Herzegovina, Chad, Croatia, Denmark, Ecuador, France, Jordan, Malawi, Mozambique, Nicaragua, Niger, Peru, Senegal, Thailand, Uganda, the United Kingdom, Venezuela, Yemen and Zimbabwe.

Part III. Analysing requests

7. It was agreed “that the President and the Co-Chairs and Co-Rapporteurs of the Standing Committees, jointly prepare an analysis of the request indicating, inter alia: clarifications of facts sought and received from the requesting State; demining plans for the extension period; resource and assistance needs and gaps.”
8. It was further agreed “that in preparing the analysis, the President and the Co-Chairs and Co-Rapporteurs of the Standing Committees and the requesting States Party should cooperate fully to clarify issues and identify needs; (and), that in preparing the analysis, the President, Co-Chairs and Co-Rapporteurs, in close consultation with the requesting State, should, where appropriate, draw on expert mine clearance, legal and diplomatic advice, using the ISU to provide support.”
9. It was also agreed to encourage all States Parties in a position to do so to provide additional, ear-marked funds to the ISU Trust Fund to cover costs related to supporting the Article 5 extensions process.
- (a) By February 2008, the President will convene a meeting of the Co-Chairs and Co-Rapporteurs to seek their initial thoughts on the way forward with respect to methods for preparing analyses of requests received. In particular, the President will seek to obtain from the Co-Chairs and Co-Rapporteurs input on expert advice they may need.
 - (b) On the basis of input provided by the Co-Chairs and Co-Rapporteurs and subject to earmarked funds having been provided, the President will instruct the Implementation Support Unit to acquire expert advice.
 - (c) The President will work in close collaboration with requesting States Parties in seeking, if necessary, clarifications and additional information with respect to requests submitted. The President intends that the process of analysis of requests should be a cooperative one ultimately leading, in many circumstances, to improved revised requests for extensions.
 - (d) If analysis results in revised requests being submitted, the President will notify the States Parties and make these revisions available on the web site www.apminebanconvention.org.
10. It was agreed “that the President, acting on behalf of the Co-Chairs and Co-Rapporteurs, should submit the analysis to the States Parties well before the MSP or Review Conference preceding the requesting State’s deadline.”
- (a) At least eight weeks prior to the 9MSP, the President will submit to the 9MSP Executive Secretary the analysis of requests submitted. The 9MSP Executive Secretary should be instructed to ensure that these documents are translated in time for the meeting.

- (b) As noted, the process of analysis of requests could lead to States Parties preparing revisions to preliminary requests which they will have been encouraged to submit in March 2008. The President will endeavour to ensure final versions of requests prepared by States Parties and analysis prepared by the President are submitted simultaneously.
- (c) The President will encourage requesting States Parties to ensure that final versions of requests for extensions contain a 2-5 page executive summary containing an overview of information necessary for an informed decision on the request to be taken.
- (d) With a view to balancing the need to access information and the need to address the costs which may be associated with translating approximately 15 requests, many of which could be dozens of pages long, the Executive Secretary of the 9MSP should be instructed to ensure that only the executive summaries of requests would be translated in time for the meeting and that the detailed requests would be made available in their original languages.

Part IV. Taking decisions on requests

11. Formal consideration of requests for extensions submitted under Article 5 will be a matter dealt with by the States Parties for the first time at the 2008 Ninth Meeting of the States Parties.

- (a) States Parties may wish to recall that Article 5, paragraph 5 states that “the Meeting of the States Parties or the Review Conference shall, taking into consideration the factors contained in paragraph 4, assess the request and decide by a majority of votes of States Parties present and voting whether to grant the request for an extension period.
 - (b) The 9MSP President-Designate may wish to propose a programme for the 9MSP which takes into account that considerable time may be necessary for the formal consideration of and decisions on requests to be taken at the 9MSP.
 - (c) The rules of procedure for the 9MSP need not be amended as existing rules have always taken into account the possibility that requests could have been submitted.
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