

Meeting of the States Parties mandated to analyse requests submitted under Article 5 of the Convention (“analysing group”)

11 March 2008

Chair’s Summary

1. Welcome and introductions

The Chair (HRH Prince Mired Raad Al-Hussein, President of the Eighth Meeting of the States Parties) opened the meeting by recalling that on 1 February, in the context of a Coordinating Committee meeting when various ideas regarding the working methods of the analyzing group were discussed, he had concluded that it was clear that the work of the analyzing group would have to adhere to the decisions of the 7MSP but do so in a way that was consistent with the Convention’s spirit of cooperation and partnership.

He also recalled that there was general agreement that the Co-Chairs of the Standing Committee on Mine Clearance, with the support of their Co-Rapporteurs, could enhance the efficiency of the process by making initial determination of the completeness of requests and immediately seeking to obtain additional information which may be necessary for a complete analysis. As discussions on other working methods were inconclusive, the Chair noted that the main purpose of the meeting was to conclude these discussions.

2. Update on requests received / being prepared

The Chair recalled that the 7MSP encouraged 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.” The Chair noted that on the basis of this decision, last year the Co-Chairs of the Standing Committee on Mine Clearance developed a calendar that suggested when a State Party should submit its request, based upon its deadline and the likely meeting immediately prior to its deadline. Given that the date of the 9MSP was then not known, it was estimated that nine months before the 9MSP would be approximately March of this year.

The Chair also recalled that the 8MSP’s Dead Sea Progress Report recorded that there remained 19 States Parties with deadlines occurring in 2009 and hence 19 potential cases for extension requests. With respect to these 19 States Parties, the Chair reported: (i) that 17 of the remaining States Parties with 2009 deadlines will need to submit a request for an extension; (ii) that of these 17, all are aware of the extensions request process; (iii) that most of these 17 are well into the drafting process with many at a very advanced stage of drafting; (iv) that of these 17, approximately 13 requests will be submitted in March and some others may be submitted in March or soon after.

In addition, the Chair reported that of these 17, there are 2 States Parties for which there may be some concern: One of these had begun the drafting process prior to renewed internal conflict and instability and now the status of affairs is unknown and the other is a State Party that has engaged little in the work of the Convention, knows little about the nature and extent of its Article 5 challenge and only recently has provided a point of contact.

3. Update on funds earmarked to support the Article 5 extensions process

The Chair recalled that the 7MSP encouraged all States Parties in a position to do so “to provide additional, earmarked funds to the ISU Trust Fund to cover costs related to supporting the Article 5 extensions process.” The Director of the Implementation Support Unit (ISU) provided an update, noting that five States Parties had earmarked a total of CHF 27,411 in 2007 and no expenditures were made. In 2008 to date, one State Party has earmarked CHF 18,936 and no expenditures have been made. Hence, funds available as of 11 March total CHF 46,447.

4. Working methods of the analyzing group

The Chair emphasized the need to conclude discussions on working methods because limited time should be dedicated to analysing requests not to debating process and there is a need to be transparent and predictable regarding the analysis process. The analysing group discussed a series of topics concerning working methods, with the conclusions of these discussions contained in Annex I to this summary.

5. Next meeting

It was agreed that the analysing group would meet next from 15:00 to 18:00 on Tuesday 29 April and from 10:00 to 18:00 (if necessary) on Wednesday 30 April.

Annex I:

Conclusions drawn by the Analysing Group on its working methods

1. Pre-analysis

- It was concluded that the Co-Chairs of the Standing Committee on Mine Clearance, with the support of their Co-Rapporteurs, could enhance the efficiency of the process by making initial determination of the completeness of requests and immediately seeking to obtain additional information which may be necessary for a complete analysis.

2. Expertise

Recalling that the 7MSP agreed that “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,” the following was concluded:

- It was understood that expertise could be derived from a variety of sources, including, inter alia: the Resource Utilization Contact Group Coordinator, given the Contact Group’s focus on supporting Article 5 implementation; the ICBL and its relevant member organizations; the ICRC; relevant UN agencies, departments and offices; regional organizations; the operations unit of the GICHD; donor States Parties which have supported and will support requesting States Parties, and, consultants with relevant expertise.
- With specific regard to the ICBL and ICRC, given their broad scope of expertise, the ICBL and ICRC will be requested to provide to the analysing group a written critique of each request submitted. These critiques could serve as valuable inputs into the analysis process.
- The analysing group further recognized that it retains the option in accordance with the decisions of the 7MSP to additionally request the valuable input of the ICBL and ICRC, on a case-by-case basis, through other means, including the participation by the ICBL and ICRC in the group's meetings or portions of these meetings.
- In addition, it was recognized that it may be useful, on a case by case basis, to call upon similar forms of inputs by other expert actors in order to assist with the analysis process, for example by requesting that presentations be made to the analysing group, that responses be provided to specific questions, and or requesting more lengthy written input.
- It was recognized that the Co-Chairs of the Standing Committee on Mine Clearance, working with their Co-Rapporteurs, as part of their pre-analysis work, could develop an initial suggestion to the analysing group of expertise that may be required and the source of such expertise. The analysing group could consider this suggestion, amongst other ideas, with a view to arriving at a proposed course of action.
- It was accepted that in accordance 7MSP decisions which foresee 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,” the President would inform the requesting State Party of the intended course of action regarding the analysis

process and provide the requesting State Party with the opportunity to share any comments or concerns. The President, notwithstanding any grave concerns expressed by the requesting State Party which would need to be considered by the analysing group, would then, in accordance with the decisions of the 7MSP, instruct the ISU to acquire the expertise.

3. Conflicts of interest

- It was concluded that in order to avoid conflicts of interest, the President would ask members of the analysing group to excuse themselves from the analysis of their own requests or the analysis of a request with which they have a conflict of interest, such as a territorial or sovereignty dispute with the requesting State Party.

4. Content / form of the analysis

It was understood that: (i) requesting States Parties are obliged, in accordance with Article 5, paragraph 4, to include various elements in an extension request; (ii) that the 7MSP encouraged requesting States Parties both to append their national demining plans to their extension requests, and, to make use, on a voluntary basis, of the template adopted at the 8MSP; and, (iii) that the President and the Co-Chairs and Co-Rapporteurs of the Standing Committees, are tasked with “jointly preparing 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.” In this regard, the following was concluded:

- It was accepted that the analyzing group could more effectively structure its work by developing a template or checklist for analysis which could provide structure to the analyzing group in commenting on the completeness and quality of information provided and on the possible implications of this information with respect to the request; and, that such a template or checklist could ensure that the analyzing group gives equal treatment to requests submitted.

5. Decision making

- It was concluded that the analysing group should aim for consensus in all aspects of the analysing process. It was understood that should there be differing views, a variety of methods for taking decisions on analyses and / or for incorporating differing points of view of analysis existed.

6. Transparency

- In recalling that the decisions of the 7MSP make mention of “the Convention’s practice of transparency,” it was concluded that working methods agreed to by the analyzing group and relevant checklists/templates would be communicated to all States Parties by the President and made available on the Convention’s web site (www.apminebanconvention.org); that the President, when notifying the States Parties of the receipt of requests could extend an open invitation for expressions of interest; and, that the Co-Chairs of the Standing Committee on Mine Clearance could request that the President provide an update on the process at their meeting on 4 June.