

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

29-30 April 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 thanking the States Parties mandated to analysing requests for their efforts since the last meeting and for dedicating time during a busy period to begin discussions of requests submitted.

2. Update on requests received / being prepared

The Chair informed the group that, between 26 March and 7 April 2008, 11 of the States Parties with deadlines in 2009 had submitted requests (Bosnia and Herzegovina, Denmark, Ecuador, Jordan, Nicaragua, Peru, Senegal, Thailand, Venezuela, Yemen and Zimbabwe), that he was aware that requests from Croatia and Mozambique would soon be submitted, and, that he was aware that Chad and Niger may soon communicate to him indicating that due to extraordinary circumstances requests may not be submitted until July. In addition, the Chair indicated that he had written to the United Kingdom to inquire regarding the status by the United Kingdom of the preparation of a request for an extension.

The Chair further reported that, in keeping with the decisions of the 7MSP and the paper he had presented to the 8MSP, all requests received had been made available on the Convention’s web site, that he had informed all States Parties of the requests received, and, that in keeping with this group’s commitment to transparency he had informed the States Parties of the group’s agreed working methods.

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

The Director of the Implementation Support Unit (ISU) provided an update, noting that pursuant to requests made by analysing group members, working translations of some requests had been obtained at an estimated costs of approximately CHF 18,500 implying that about CHF 28,000 of funds earmarked by State Parties for the Article 5 extensions process remained available to support the process.

4. Report of the Co-Chairs of the Standing Committee on Mine Clearance on the completeness of requests and on obtaining additional information which may be necessary for a complete analysis.

The Chair recalled that on 1 February it was concluded 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, and, that this was affirmed at the 11 March meeting of the States Parties mandated to analyse extension requests.

The Chair indicated that on 8 and 11 April 2008, the Co-Chairs of the Standing Committee on Mine Clearance and their Co-Rapporteurs met to carry out these tasks with respect to the 11 extension requests received. Of note, the Co-Chairs, with the support of their Co-Rapporteurs, concluded that 8 requests were complete or largely complete and ready for analysis: Ecuador, Jordan, Nicaragua, Peru, Thailand, Venezuela, Yemen and Zimbabwe. Of these 8, the Co-Chairs, with the support of their Co-Rapporteurs, proposed that questions be asked of 7 in order to obtain additional information which may be necessary for a complete analysis: Ecuador, Nicaragua, Peru, Thailand, Venezuela, Yemen and Zimbabwe. These questions were subsequently sent to the States Parties concerned, with the request that responses be provided by 25 April 2008. It was noted that Peru did not participate in the determination of the completeness of the request submitted by Peru.

The Chair continued by noting that responses to questions had been received from Peru, Nicaragua, Thailand and Zimbabwe. (Note: By the time the group had concluded its meeting on 30 April 2008, a response from Yemen had also been received.)

The Chair further indicated that the Co-Chairs of the Standing Committee on Mine Clearance, with the support of their Co-Rapporteurs, also concluded that 3 requests were considered incomplete and not yet ready for analysis: Bosnia and Herzegovina, Denmark and Senegal, and, that the Co-Chairs proposed that questions be asked of these 3 in order to obtain additional information which would be necessary for a complete analysis. The Chair noted that Denmark had responded to indicate that it will need more time to answer these questions.

5. Analysis of requests submitted by 11 April and deemed complete or largely complete and ready for analysis

The group began discussions on the 8 requests deemed by the Co-Chairs of the Standing Committee on Mine Clearance to be complete or largely complete. The Chair indicated that he would leave the room during discussions on Jordan's request and reminded the group that it was agreed that in order to avoid conflicts of interest, he would ask members of the analyzing 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 a requesting State Party. (Note: In addition to the Chair excusing himself from discussions on Jordan's request, representatives of Peru and Thailand were not present during discussions of their respective requests.)

In discussing requests submitted, the group was guided by a checklist that was developed to take into account Article 5, paragraph 4 of the Convention and the decisions of the 7MSP. This checklist, which was intended to aid the group in identifying facts and generating initial remarks, contained the following elements:

- Total land requiring needing to be addressed at entry into force, as defined in Article 2, paragraph 5
- Estimated land remaining to be addressed, in accordance with Article 5 paragraph 4.b.i
- Amount of time requested, in accordance with Article 5, paragraph 4.a
- Circumstances that impede the ability of the requesting state party to fulfil its obligations, in accordance with Article 5 paragraph 4.b.iii
- Annual projections of mined areas to be addressed, in accordance with Article 5 paragraph 4.b.i

- Methods to be used to render mined areas no longer dangerous, in accordance with Article 5, paragraph 4.b.i and Article 5, paragraph 4.b.ii
- National financial resources required, in accordance with Article 5, paragraph 4.b.ii
- International financial resources required, in accordance with Article 5, paragraph 4.b.ii
- Humanitarian, social, economic and environmental implications of the extension, in accordance with Article 5, paragraph 4.c
- Any other information relevant to the request, in accordance with Article 5, paragraph 4.d

It was agreed that this checklist should be distributed to requesting States Parties. Furthermore, the group generated a number of questions which could help guide informal discussions with requesting States Parties with a view to assisting and supporting these States Parties in improving their requests.

6. Initial views of the ICBL and ICRC with respect to requests submitted

The Chair recalled that the decisions of the 7MSP make it clear that analysis is a States Parties driven process, with 17 States Parties mandated to jointly prepare an analysis of each request submitted, and, that the decisions of the 7MSP go on to say 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.”

The Chair further recalled that on 16 April 2008 he had distributed a draft agenda to the group which proposed that the group call upon the expert advice of the ICBL and ICRC during a two hour session, given the broad scope of these organisations’ potential expertise. The Chair noted that he had sought comments on this draft agenda and that the only comment received was in support of it.

The Chair then proceeded to call upon the ICBL and ICRC to make informal presentations to the group and to engage in a question and answer session. The Chair concluded that the input provided was extremely useful to the group.

7. Next steps

The Chair concluded that it was the group’s desire to proceed as follows:

- a. The ISU was asked to compile basic facts contained in the requests in order that the group could focus their attention on generating remarks and views with a view to ultimately preparing analyses.
- b. The Chair noted that the task of implementing Article 5 essentially comes down to releasing land that a State Party has identified as being dangerous due to the presence or suspected presence of mines. In this regard, the Chair indicated that the group needs to be as knowledgeable as possible about the range of methods used to release land. To this end, the Chair indicated the Resource Utilization Contact Group Coordinator, given that it will convene a workshop on 14 May 2008 to discuss advances being made in the area of land release, along with a technical expert of the Contact Group Coordinator’s choice, should be asked to make a presentation to the group on the matter of land release.

- c. The Chair noted the interest of the group in receiving expert input on manual and mechanical demining techniques, in particular, to understand what productivity could be expected given differing conditions and factors.
- d. The Chair noted that, given that at the 14 May workshop some national directors or experts from requesting States Parties would be present in Geneva, these representatives of requesting States Parties should be invited for informal question and answer sessions with the group. It was also concluded that representatives of other requesting States Parties should be invited for informal question and answer sessions during morning meetings prior to meetings of the Standing Committees the week of 2-6 June. It was further concluded that the counterparts from Permanent Missions in Geneva of experts coming from capitals should be encouraged to attend such sessions.
- e. On the suggestion of one member of the group, it was concluded to the ICBL and ICRC should be invited to provide initial views on other requests submitted. It was further concluded that the group desired the general views of the UNDP on requests submitted.
- f. It was concluded that the group has interest in receiving legal expertise in better understanding what Article 5, paragraph 5¹ implies and that the ICRC should be requested to provide such input.
- g. It was concluded that members of the analyzing group should continue to review requests and generate remarks and views in order that compilations or syntheses of these views could be prepared and that the group could return to case-specific discussions at its next meeting.

The Chair indicated that he would prepare an agenda for the group's next meeting on the basis of these conclusions.

In more general terms, the Chair highlighted that it is incumbent upon all 17 members of the analyzing group to generate and share their remarks and views, that all 17 States Parties have accepted a heavy responsibility to actively participate in an important process that in service of the greater good of the Convention, and, that every group member needs to make a constructive contribution to the group's efforts.

8. Next meetings

The Chair indicated that he would convene meetings as follows:

- May 15: 10:00 – 13:00 and 15:00 – 18:00
- May 16: 10:00 – 18:00
- June 2-6: One hour meetings each day before each meeting of the Standing Committees

¹ This paragraph 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."