

## **Assessing and deciding on requests for extensions submitted under Article 5 of the Convention**

### **President-Designate of the 9MSP**

**4 September 2008**

At the 9MSP, for the first time, the States Parties will need to assess and decide on requests submitted under Article 5 of the Convention. The 9MSP programme, presented to the States Parties in June 2008 and deemed generally acceptable, has been adjusted to take into account the amount of time needed for the presentation and consideration of requests.

Following a general exchange of views, the 9MSP programme includes an informal session for requesting States Parties to present their requests, for the 8MSP President to present the analyses of requests, and, for others to ask questions.

This will not be the instance when a decision on requests will be taken. Rather, this is an opportunity for an informal discussion on each request, including for States Parties to seek any additional clarity they may require from requesting States. This informal session likely will last all day Tuesday 25 November and perhaps continue on the morning of Wednesday 26 November.

Following this informal session, the programme foresees the 9MSP proceeding with other matters related to the operations of the Convention, that is, Agenda Item #12, the *consideration of the general status and operation of the Convention*. Following Agenda Item #12, which likely will be sometime on the morning of Friday 28 November, the 9MSP will proceed with the formal consideration of extension requests.

It is hoped that the gap of time between the informal discussion of requests on Tuesday 25 November and formal consideration on Friday 28 November will provide interested delegations with the time to consult one another on any matters that arise from the informal discussions.

How will the 9MSP proceed with the formal consideration of requests? As the President of the Eighth Meeting of the States Parties (8MSP) indicated at the 8MSP and as the President-Designate of the 9MSP indicated in June, both the text of Article 5 and the rules of procedure that have been used at every Meeting of the States Parties provide clear direction.

Article 5, paragraph 5 states that a Meeting of the States Parties or a Review Conference shall assess each request and “decide by a majority of votes of States Parties present and voting whether to grant the request for an extension period.”

Certainly general agreement on requests would be preferable. However, should the States Parties need to resort to a voting procedure, the rules of procedure are clear in terms of what needs to be done.

The rules of procedure state that:

*“The Meeting of the States Parties shall normally vote by show of hands or by standing, but any representative may request a roll-call. The roll-call shall be taken*

*in the English alphabetical order of the names of the States participating in the Meeting of the States Parties, beginning with the delegation whose name is drawn by lot by the President.”*

Of course, Article 5, paragraph 5 does not exclude the possibility of the Meeting of the States Parties complementing a “yes” or “no” decision on a request with additional decisions related to the request.

For instance, the States Parties may wish to draw from the analysis submitted by the 8MSP President in order to incorporate into the decisions of the 9MSP additional comments that the States Parties may have with respect to particular requests.

Regarding the analyses to be submitted to the 9MSP by the 8MSP President, many States Parties will be looking to these documents as a means to assist them with their individual assessments of requests. The 8MSP President believes that the analyses on six or seven requests should be available in about two weeks time and henceforth would be translated. Efforts to analyse the remaining eight to nine requests are ongoing.

Requests are available on-line at [www.apminebanconvention.org/extensions](http://www.apminebanconvention.org/extensions).