

Conclusions and Recommendations of the Committee on the Enhancement of Cooperation and Assistance

Submitted by the Committee on the Enhancement of Cooperation and Assistance (Mexico, Netherlands, Switzerland and Uganda)

Geneva, 30.09.2016

1. Report on the Committee's Activities

a. Introduction

The purpose of the Committee on the Enhancement of Cooperation and Assistance (henceforth: the Committee) is to assist the States Parties in the full implementation of article 6 of the Anti-Personnel Mine Ban Convention (henceforth: the Convention). The Committee is mandated to promote cooperation and assistance, facilitate the fostering of partnerships, coordinate with other implementation mechanisms, present preliminary observations at Intersessional Meetings if need be, and present conclusions and recommendations, if relevant, at Meetings of the States Parties (MSP) or Review Conferences (RevCon).

b. Objectives of the Committee

The Committee hosted an informal meeting for affected States and donors on the margins of the Fourteenth Meeting of the States Parties (14MSP) on 01 December 2015 and requested States participating in the meeting to provide inputs concerning the best way to achieve the Committee's mandate as set out at the Third Review Conference in Maputo. A follow-up meeting was organised on the margins of the Intersessional Meetings on 20 May 2016. At this occasion the Committee raised the issue that there was a need to better understand the challenges of individual states in fulfilling their obligations under the Convention in order to improve the allocation of resources and coordination.

Building on the outcomes of these exchanges of views as well as on the Committee's past efforts and experiences, and considering Action 19 to Action 24 of the Maputo Action Plan on Cooperation and Assistance and the ambitions of States Parties to implement the Convention to the fullest extent possible by 2025, the Committee worked between the 14MSP and the 15MSP towards the following objectives:

- i. First, the Committee endeavoured to contribute to the overall understanding of the challenges faced by States in the implementation of the convention through the mapping of needs and challenges in implementing obligations related primarily to the destruction of stockpiled anti-personnel mines under article 4, the destruction of anti-personnel mines in mined areas under article 5 and in providing assistance to victims. Efforts to carry out this mapping is based primarily on information provided by States Parties and information collected by the relevant Committees under the Convention.
- ii. Secondly, the Committee explored different platforms for States Parties to engage in a genuine dialogue regarding needs, challenges and to explore possible solutions.
- iii. Thirdly, the Committee aimed at promoting partnerships between States Parties facing challenges in implementing key obligations of the Convention and States Parties in a position to assist. The committee hence explored how to improve the use of the existing Platform for Partnerships information exchange tool available on the Convention's website.

c. Approaches

With regard to objective (i) – mapping needs and challenges

Recognising that achieving this objective may require significant involvement and contributions both by States Parties with pending obligations and by States in a position to provide assistance, the Committee engaged first with relevant Convention Committees and used available official resources submitted by States, such as the article 5 extension requests and article 7 reports as well as analyses formulated by the relevant committees.

Based on the cross cutting nature of the Committee's work, the Committee sought to strengthen synergies and greater information exchange with the relevant thematic committees of the Convention to support a comprehensive approach to the Convention's implementation. The gathered information has been used to develop a first draft which aims at mapping challenges and needs of States Parties with the compilation of information ongoing. In order to complement the information contained and further enhance this draft, direct engagement with States Parties and where appropriate with information provided by other partners, such as UN agencies and non-governmental organisations, may be beneficial. Information contained in this compilation will only be used with the explicit consent of the concerned States Party and in order to assist in its implementation of its obligations under the Convention.

With regard to objective (ii) – platforms to engage in genuine dialogue to overcome needs

In accordance with its mandate and as a complement to the mapping of challenges and needs, the Committee engaged in a reflection on how to best advance discussions and activities to address challenges faced by States Parties.

In the view of the Committee, such a platform should facilitate the following points:

- targeted interaction among States Parties having pending obligations under articles 4 and 5 as well as with challenges in providing assistance to victims and States Parties in a position to provide assistance;
- identification of needs and challenges faced by States Parties in implementing the Convention;
- identification of solutions to the identified needs and challenges; and
- exploring possible partnerships with a view to ensure local ownership and contribute to supporting States in meeting their obligations to the fullest extent possible by 2025.

These elements guided the work of the Committee in exploring this second objective.

With regard to objective (iii) – platform for partnership

In line with Action #24 of the Maputo Action Plan, "all States Parties will contribute [...] to the information exchange tool 'Platform for Partnerships' and will provide new or updated information on their needs for assistance or on assistance which they are in a position to offer". The Platform for Partnerships is a useful, simple and cost effective information exchange tool incorporated into the Convention's website (<http://www.apminebanconvention.org/platform-for-partnerships/>). It allows States Parties to share and consult updated information on available assistance (financial, equipment, expertise and experience), disaggregated by mine clearance and victim assistance.

In the Committee's view, this simple tool has the potential to support and develop the partnerships among the States Parties. Considering that it has been underused, the Committee cannot currently conclude that it is a tool effectively contributing to the objectives of the Convention.

In order to render the tool more efficient, the Committee wrote a letter to all States Parties asking for two inputs:

- to provide new or updated information on assistance a State Party is in a position to provide; and
- to provide feedback as regards the utility of the platform and potential ways to make it more palatable and useful to States Parties.

In the reporting period, one state provided a reply to this request.

2. Conclusions

Based on the work conducted by the Committee between the 14MSP and the 15MSP, the Committee draws the following conclusions:

- a. International cooperation and assistance is a crucial part of the Convention and represents a commitment shared by all States Parties to ensure the Convention's full implementation as enshrined in its article 6. Of the Maputo Action Plan's 31 actions, 6 are dedicated to international cooperation and assistance for achieving the Convention's aims.

Cooperation and assistance amounts to both important rights and obligations under the Convention and constitutes the heart and soul of the Convention. States Parties have the right to seek and receive assistance where feasible, from other States Parties. To the extent possible, States Parties in a position to do so shall provide assistance for mine victims, mine awareness programmes such as mine risk education, mine clearance and related activities, and the destruction of stockpiled anti-personnel mines.

The Committee concludes that achieving the 2025 objective as set out in the Maputo Declaration will benefit from a more comprehensive approach to cooperation and assistance.

- b. As transparency and open communication is the basis for a trust-based cooperation, enhanced cooperation and assistance will need effective exchanges of information between States Parties. Mapping challenges and needs is hence a necessary basis in order to understand and identify effective implementation gaps to be filled to advance towards the 2025 objective. States Parties have adequate procedures to make such challenges known to each other and the wider community. The Guide to Reporting adopted at the 14MSP leaves enough freedom of action for States Parties to provide relevant information.

Today, both the number and the substance of article 7 reports provided by States Parties do not, however, permit to conduct the mapping of challenges and needs with the necessary accuracy. Additional information contained amongst others in extension requests only partly contribute to get a comprehensive picture. Despite the Committee's repeated letters to States Parties encouraging these to share their challenges and needs through the article 7 reports or bilaterally to the ISU, information collection remains challenging.

The Committee concludes that the existing channels for the communication of challenges are important and need to be used and that additional channels need to be explored. The Committee also concludes that direct engagement with individual States Parties seems to be a necessary means to fully understand the challenges faced by a State Party and that the mapping of challenges referred to above can serve as a valuable basis for discussion with individual States Parties.

- c. Existing information exchange formats provide opportunities to States Parties to express their implementation challenges as well as their assistance needs. These formats include and are not limited to the Meeting of the States Parties/Review Conferences, Intersessional Meetings, extension requests, article 7 reports, the Platform for Partnerships and exchanges with the thematic committees. These exchanges are crucial and must be continued.

In order to achieve the 2025 objective, the Committee concludes that - in addition to and not replacing existing formats - an individualised approach is useful and opportune. The Committee accordingly explored how additional formats directly involving affected states and stakeholders to exchange information and address pertinent needs and challenges in confidence can contribute to advancing the 2025 objective. For that matter, the Committee included in annex 1 a possible outline of such an exchange format.

- d. Cooperation and assistance does not only relate to financial support. It also relates to the efficient and effective use of scarce resources. In this regard, the Platform for Partnerships is a valuable tool to exchange information on the breadth of assistance available to implement the Convention including expertise, provision of equipment, exchange of experience, technical know-how, and best practices sharing.

Under the given circumstances, the Committee concludes that the Platform for Partnerships remains a useful tool but that States Parties ought to make better use of it, if it is to contribute meaningfully to achieving the 2025 objective.

- e. The work related to the enhancement of cooperation and assistance is not limited to the activity of this Committee. In order to perform its mandate, the Committee needs to coordinate both with the other committees under this Convention and with other committees under other conventions.

Under the given circumstances and limited resources, the Committee concludes that a more systematic coordination amongst the committees could serve the objectives of the Convention.

3. Recommendations

Based on the conclusions drawn, the Committee submits the following recommendations to the States Parties for their consideration at the 15MSP.

- a. In order to progress resolutely towards the 2025 objective a more comprehensive approach is needed. The Committee will continue its efforts to develop this approach and presents its preliminary observations at the 2017 Intersessional Meetings and its related conclusions and recommendations at the 16MSP.
- b. In order to better map challenges, the Committee recommends that States Parties make their implementation challenges known through their article 7 reports (under the heading *cooperation and assistance*). The Committee further recommends that it sends a reminding letter to all States Parties and raises awareness through any other appropriate means well in advance of the article 7 report submission deadline (30 April of each year) and continues the mapping of challenges for the purpose of individual engagement with States Parties.
- c. In order to better contribute to the common objective of 2025, the Committee recommends that States Parties engage on a voluntary basis - without infringing on agreed upon machinery and meetings - in individualised approaches as outlined in annex 1. The Committee stands ready to facilitate such meetings upon request by interested States Parties.
- d. In order to make best use of the Platform for Partnerships, States Parties are encouraged to provide new or updated information as well as to provide feedback on the utility of the platform on a regular basis. The Committee will continue engaging with States through an annual

communication to all States Parties and raising awareness through any other appropriate means well in advance of the Intersessional Meeting and MSP/RevCon, asking for relevant inputs and that the relevant meetings allocate time to discuss the Platform for Partnerships.

- e. In order to ensure that the different committees advance their respective mandates coherently, enhanced coordination amongst them is required. The Committee will continue engaging in a systematic fashion with the other committees under the Convention.

Annex 1: Option for a voluntary individualised approach fostering the achievement of the 2025 objective as proposed by the Committee on the Enhancement of Cooperation and Assistance

1. Background

In Maputo all States Parties to the Convention agreed to aspire to accomplish all outstanding obligations under this Convention, to the fullest extent possible, by 2025. With this common goal in mind, States Parties have to look carefully both at the progress made and at the remaining challenges. As of present, 32 States Parties have outstanding mine clearance obligations (article 5), 5 have stockpile destruction obligations (article 4) and 29 have indicated to have a responsibility for a high number of mine survivors and are faced with the challenge to provide assistance to victims in accordance with the Maputo Action Plan. What is clear, is that States Parties face a number of challenges, that these challenges differ widely and that they can be of a financial, technical or political nature or a combination of those. For that reason there is no 'one size fits all' approach and support to an individual State Party will have to be tailor made. In order to get a better understanding of these challenges, the Committee on the Enhancement of Cooperation and Assistance engaged in mapping the challenges and needs of these States Parties.

2. Current process to exchange on challenges in implementation

At present, States Parties meet twice a year during the Intersessional Meetings and at the Meeting of States Parties/Review Conferences. These meetings are organised as plenary meetings in which States Parties are invited to present recent developments and plans under the different agenda items. Due to the limited time available and the plenary nature of the meetings, these discussions do not fully advance the understanding of the challenges faced by States Parties and do not allow for a comprehensive exchange of ideas on how the 2025 goal can be reached taking into consideration specific circumstances affecting individual States Parties with outstanding obligations.

In accordance with its mandate, the Committee on the Enhancement of Cooperation and Assistance explored possibilities of how States Parties in a position to provide assistance could best learn about the needs and challenges of States Parties in order to better assist individual States Parties in implementing their outstanding obligations before our common goal of 2025.

3. Option for individualise approach

While ensuring continued compliance with the purpose and function of the Intersessional Meetings and the Meetings of States Parties/Review Conferences, the Committee is of the view that a complementary platform should be provided on the margins of these meetings for individual affected States Parties interested in providing in an informal manner detailed information on the challenges they face in implementing their obligations. The use of such an informal platform should be purely voluntary and the Committee on the Enhancement of Cooperation and Assistance should stand ready to facilitate such meetings upon request by a State Party. The affected State Party, assisted by the Committee on the Enhancement of Cooperation and Assistance, should determine who should participate in the meeting. Such meetings involving one affected State Party and as appropriate the Presidency, representatives of the committees involved, interested States Parties and Observer States, as well as relevant operators, could take stock of the current situation in the affected State Party and shed light on outstanding issues and challenges. This would then provide a comprehensive map of the challenges and needs facilitating the establishment of partnerships between affected States and States in a position to provide support with the objective of seeing the State implement its remaining obligations in as short a time as possible.

Evidently, such meetings need to be coordinated and should be complementary to in-country coordination. Accordingly, a crucial prerequisite for the success of such meetings is that individual affected States Parties are willing to engage in such a dialogue on a voluntary basis and take ownership.

Such an approach does not need to have implications for the way we organise our meetings. During the Intersessional Meetings these informal meetings with interested individual States Parties could occur one day before or after the Intersessional Meetings and at the MSP/RevCon the informal meetings could be organised on their margins. Preferably though such meetings could take place in the lead-up to the Intersessional Meetings or MSP/RevCon. This would enable individual affected States Parties to inform the plenary about the outcomes and results of these meetings.

4. Potential set up of such a meeting

a. Participants:

- i. Requesting affected State Party (chair);
- ii. President of the AP Mine Ban Convention (co-chair);
- iii. AP Mine Ban Convention ISU (secretary);
- iv. Representatives of Committee Enhancement of Cooperation and Assistance (facilitator where needed);
- v. Representatives of other Committees;
- vi. Representatives of States (Parties and Observers) in a position to provide assistance;
- vii. Representatives of international and regional organisations;
- viii. Representatives of relevant civil-society organisations; and/or
- ix. Representatives of operators.

b. Process:

- i. Presentation by affected State with regard current status of implementation and challenges to meeting 2025;
- ii. Presentation by affected State of proposed solutions to address these challenges;
- iii. Exchange of information with involved partners;
- iv. Production of list of challenges/needs;
- v. Discussions on measures/plan to address these; and/or
- vi. Coordination among States in a position to assist to address identified challenges.

c. Report:

- i. With the support of the Secretariat the Chair and Co-chair will prepare a report of the meeting.
- ii. The report could be presented to all States Parties and Observer States during the Intersessional Meetings or Meetings of States Parties/Review Conferences for their consideration and implementation where appropriate and on a voluntary basis.