

**Meeting of the States Parties to the Convention
on the Prohibition of the Use, Stockpiling,
Production and Transfer of Anti-Personnel
Mines and on Their Destruction**

3 December 2013

Original: English

Thirteenth Meeting

Geneva, 2-5 December 2013

Item 12 of the agenda

Consideration of requests submitted under Article 5

**Report on the analysis of requests for extensions to Article 5
deadlines, 2012-2013**

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

1. In 2013, for the sixth year in a row, the group of States Parties mandated to analyse requests submitted under Article 5 of the Convention carried out its work. In 2013, this group included the following States Parties in addition the President (Mr. Matjaz Kovacic, Ambassador and Permanent Representative of Slovenia to the United Nations, Geneva): Austria, Bulgaria, Colombia, Ecuador, Mozambique, Netherlands, New Zealand, Nigeria, Norway, and Thailand.

2. In 2013, requests for extended mine clearance deadlines were submitted by seven States Parties: Chad, Germany, Mozambique, Niger, Serbia, Sudan and Turkey. Two of these States Parties – Germany and Niger – submitted requests in accordance with the political commitments adopted at the Twelfth Meeting of the States Parties (12MSP) concerning States Parties that discover mined areas under their jurisdiction or control after an original or extended deadline to implement Article 5 has expired. These commitments include that, if a State Party concerned believes that it will be unable to destroy or ensure the destruction of all anti-personnel mines in the mined area before the next Meeting of the States Parties or Review Conference (which ever falls earlier), it should submit a request for an extended deadline, and that requests submitted should be analysed in accordance with the process agreed to at the Seventh Meeting of the States Parties (7MSP). One of these States Parties – Germany – subsequently withdrew its request, having informed the President that efforts undertaken had resulted in it concluding that there were no longer mined areas known or suspected to contain anti-personnel mines under the control or jurisdiction of Germany.

3. In carrying out its efforts in 2013, the States Parties mandated to analyse requests sought to apply, as relevant, the recommendations adopted at the 12MSP concerning ensuring that high quality requests continue to be submitted, that high quality analyses

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continue to be prepared, and that a cooperative engagement of Article 5 implementing States Parties continues after requests have been granted.¹

4. Recommendation #2, adopted at the 12SMP, states that “the extent of the past or present challenge should be expressed in requests in terms consistent with the language of the Convention (e.g., “areas in which anti-personnel mines are known to be emplaced”, “areas in which anti-personnel mines are suspected to be emplaced”, et cetera).” Recommendation #3 states that, “in recalling that it has been agreed at the 9MSP that States Parties, as appropriate, implement the recommendations contained in a paper on making use of the full range of emerging practical methods to more rapidly release, with a high level of confidence, areas suspected of containing anti-personnel mines, requesting States Parties should express in their plans projections for releasing such areas disaggregated according to the use of non-technical survey, technical survey and clearance, and with the size of these areas clearly and consistently expressed.”

5. With respect to recommendations #2 and #3, the analysing group sought clarity when requesting States Parties referred to areas of concern using terms other than those in the Convention. In addition, as relevant, the analysing group drew attention to the fact that the United Nations’ International Mine Action Standards define “suspected hazardous area” as “an area where there is reasonable suspicion of mine/ explosive remnants of war contamination on the basis of indirect evidence of the presence of mines/explosive remnants of war,” and “confirmed hazardous area” as “an area where the presence of mine/ explosive remnants of war contamination has been confirmed on the basis of direct evidence of the presence of mines/ explosive remnants of war.” In some instances, it is still not clear whether what some States Parties report as “suspected hazardous areas” have in fact been defined as such in a manner consistent with the International Mine Action Standards.

6. Recommendation #6, adopted at the 12MSP, states that “the States Parties should consider taking decisions on requests that call for both mid-term assessments of requesting State Parties’ efforts to implement Article 5 and revised plans to be submitted three to five years after requests have been granted.” Recommendation #12 states that “at both meetings of the Standing Committees and formal meetings/conferences, States Parties that have been granted extensions should be requested to provide updates on efforts to implement the plans contained in their requests,” and that “such reports should clearly document progress and challenges relative to what it committed to achieve.” Recommendation #13 states that “to assist States Parties that have been granted extensions in updating States Parties on their efforts, the analyses of requests and decisions taken on them should contain annual benchmarks on projected survey and clearance activities, planned allocation of financial and other resources, plus other actions such as development of new standards/policies, etc.”

7. As concerns recommendations #6, #12 and #13, the analysing group proposed in each analysis that States Parties, once requests have been granted, be formally requested to report to the States Parties with respect to specific, time-bound benchmarks for progress. Particularly in instances when the time requested was more than a few years, the analysing group recommended specific instances when States Parties concerned should provide an updated detailed work plan for the remaining period covered by the extension.

8. Many of the recommendations adopted at the 12MSP concern making the analysis process as efficient and effective as possible for the States Parties mandated to prepare analyses. Recommendation #7 states that “the analysing group should continue to call for extensive expert input to draw out key technical, legal and policy issues in requests and to

¹ See document APLC/MSP.12/2012/4.

more generally enable the group to better understand and assess the requests.” Recommendation #8 states that “the analysing group should call for expert input as soon as possible following the receipt of requests and, if additional information or revised requests are provided by requesting States Parties, the analysing group should consider again drawing upon expert organisations to provide views.” Recommendation #9 states that “the analysing group should aim to complete as much of its work as possible before July, in part by being as ready as possible to begin its work once requests are submitted. To accelerate the process, the analysing group may wish to be briefed by the Implementation Support Unit on the process and working methods before 31 March of each year.” In addition, Recommendation #10 states that “the analysing group should request that the Implementation Support Unit follow-up with requesting States Parties immediately after requests have been received in order to address any information discrepancies and clarity challenges” and that “the pre-analysis efforts of the Co-Chairs of the Standing Committee on Mine Clearance should continue in an effort to immediately seek any additional information that may be required to make a complete analysis.”

9. With respect to recommendations #7-#10, the Implementation Support Unit held two briefings for analysing group members to review the Convention’s mine clearance obligations, the States Parties’ understandings related to these obligations and the Article 5 extensions process. The Implementation Support Unit and the Co-Chairs of the Standing Committee on Mine Clearance sought additional information from requesting States Parties to assist the analysis process. In addition, expert organizations were invited to provide input with the organizations chosen on the basis that it is understood that they are the world’s leading not-for-profit organisations with demining expertise, which both have widespread international experience and are active in and knowledgeable about the work of the Convention. The analysing group was grateful that many organizations did provide input and was particularly thankful for the comprehensive manner in which the International Campaign to Ban Landmines and the International Committee of the Red Cross contributed their expertise to this process.

10. In keeping with past practice, the analysing group informally met with representatives of requesting States Parties on the margins of the May 2013 meetings of the Standing Committees. These informal meetings continue to be of great importance in terms of enabling the analysing group to better understand requests and fostering a cooperative environment between the analysing group and requesting States Parties.

11. Recommendation #10 also states that “requesting States Parties should consider incorporating additional information provided into their requests, for example, by revising their requests to include relevant additional information that is furnished in the course of the analysis process.” With respect to this recommendation, in 2013 some requesting States Parties submitted revised requests incorporating new information provided during the analysis process.

12. The paper containing the recommendations on the Article 5 extensions process which was adopted at the 12MSP stated that “supporting the work of the analysing group has, since 2008, been an increasingly important part of the work of the Implementation Support Unit” and that “ways and means (...) to increase the efficiency of the process point to additional demand being placed on the Implementation Support Unit.” This indeed was the case in 2013. While the implementation of the recommendations of the 12MSP made the process more efficient for the analysing group –with fewer meetings convened than in the past and with more and better information obtained for the analysing group in advance of these meetings – the Implementation Support Unit did shoulder an additional burden. While the Implementation Support Unit can assist the analysing group in many ways, it should be recalled that the States Parties explicitly chose at the 7MSP to create a process for which they would ultimately be responsible. To continue to act in a manner consistent

with the nature of the process established, the States Parties should continue to demonstrate real ownership over the process.

13. The paper containing the recommendations on the Article 5 extensions process which was adopted at the 12MSP stated that “accelerating the analysis process is important in order to increase its efficiency” and that “analysis process should be completed by the end of September (assuming formal meetings/conferences take place the last week of November or first week of December) in order to comply with United Nations documentation demands”, with, as noted, “the analysing group (aiming) to complete as much of its work as possible before July.” Complying with these measures was made difficult for the analysing group because some States Parties submitted requests or revised requests extremely late. The short period between the Thirteenth Meeting of the States Parties and the Third Review Conference will make it even more challenging to complete the analysis process in a timely manner. States Parties which have indicated that they will need to have requests considered at the Third Review Conference have been asked to submit their requests by 15 December 2013. Some have indicated that this will be difficult for them to do.
