

Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction

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MEETING REPORT

CO-CHAIRS: CANADA AND SOUTH AFRICA

Introduction

1. The Standing Committee of Experts (SCE) on the General Status and Operation of the Convention, established by the May 1999 First Meeting of States Parties to the Convention, met at the Geneva International Center for Humanitarian Demining on May 29 and 30, 2000.
2. The meeting was co-chaired by Mr. Bennie Lombard (South Africa) and Ambassador Daniel Livermore (Canada). The co-rapporteurs of the meeting were Mr. Bebra G. Munodawafa (Zimbabwe) and Mrs. Danielle Haven (Belgium). The Meeting received administrative support from the Geneva International Center for Humanitarian Demining (GICHD).
3. The meeting considered on the basis of the report and the work program of the January Meeting (a) reports from the co-chairs of the other standing committees and further progress in the implementation and universalization of the Convention, (b) work undertaken with respect to Articles 2, 6, 7 and 8, (c) work undertaken on proposed modifications to the post-Second Meeting of States Parties intersessional work program, (d) voluntary reports from States parties on matters pertaining to Article 3 and Article 9, and (e) preparatory matters pertaining to the Second Meeting of the States Parties (SMSP).
4. The first day of the meeting was dedicated to agenda items related to the reports on actions taken and recommendations made by the four standing committees as well as to the way the work of the Intersessional Program could be reported to the Second Meeting of States Parties. An overview of the general status and operation of the Convention with a specific emphasis on Articles 7, 2, 6 and 8 as well as on the post-Second Meeting of States parties intersessional work program was undertaken. The second day of the meeting was dedicated to preparatory matters pertaining to the SMSP. Discussion continued on matters pertaining to general status and operation of the Convention and focusing in this context Article 3 and 9.
5. On matters for which the work of the Committee will continue between May and the SMSP, parties interested in contribution to this work should contact the co-chairs (through Mr. Kerry Brinkert, e-mail: kerry.brinkert@dfait-maeci.gc.ca or Mr. Bennie Lombard, e-mail: bennie.lombard@ties.itu.int) to transmit their views and to express their wish to be included in the informal process.

MATTERS PERTAINING TO THE INTERSESSIONAL WORK PROGRAMM

Brief reports on actions taken and recommendations by the other four standing committees.

6. Co-chairs of the other four SCEs (on mine clearance, on victim assistance socio-economic reintegration and mine awareness, on stockpile destruction and on technologies for mine action) made brief presentations on progress achieved thus far and on preparations for the SMSP. A positive assessment was made of the first year of the Ottawa Convention's work program. The four Standing Committees have identified different issues, held constructive discussions, took a wide variety of actions and made a wide range of suggestions for the future.

Post Second Meeting of the States Parties Intersessional Work Program

9. The January Meeting tasked the co-chairs to carry out consultations and formulate concrete suggestions to this Meeting on how the intersessional work program could be adjusted to sustain the process. Building upon the experience with a view to highlight the role of the Convention as a comprehensive framework for addressing the global landmine problem, a proposal was elaborated as a result of the undertaken consultations. This proposal contained suggestions on the duration of the meetings, the number of SCEs, the language of proceedings, the date of meetings, supporting participation, the role of the Co-chairs and a name change.

The May Meeting assessed positively the intersessional work program during its first year of operation. The proposal for the post Second Meeting of States Parties Intersessional Work Program was discussed and there was general approval of the recommendations, which are specified under this heading. It was pointed out that the necessary flexibility be maintained in future to adjust to changing needs and circumstances in

order to ensure the effective functioning of the Convention. It was noted therefore that the SMSP would review annually the intersessional work program with a view to improve the efficiency of the SCEs.

Recommendations:

It was agreed to submit to the SMSP the recommendations as distributed (to be contained in the final report of this committee).

MATTERS PERTAINING TO THE GENERAL STATUS AND OPERATION OF THE CONVENTION

Universalization of the Convention and general status

The Committee assessed progress in implementing the broad objectives and specific provisions of the Convention. It was noted that generally substantial progress had been achieved. As of the 1st of May 2000, 137 States had signed or acceded to the Convention. 94 States ratified. It was noted in this context that since the January Meeting four more States have ratified the Convention.

There have been no violations of the Convention by States Parties. Global use and production is waning. Export of Apmines has been stopped. The number of victims is declining.

Consideration was given to the difficulty related to measuring the progress. Specific mention was made of global casualty rates. Cases like Cambodia and Bosnia were highlighted as important examples, where substantial information was available and where it is possible to measure with certainty this progress.

Reporting requirements (Article 7)

11. 43 States Parties submitted the first report as required under article 7. 38 states are late in submitting their report. The compliance rate is approximately 53%. The other 13 states that have ratified the convention are expected to provide their first report between 29 May 2000 and 30 April 2001. In addition, as of May 12, 12 States Parties had submitted a second report as required under Article 7.2 of the Convention. It was also stressed that only 30% of the reports were submitted in an electronic form.

The importance of timely, consistent and detailed reporting was highlighted. It was noted with concern that a number of States Parties, which are either mine-affected or possess stockpiles, have not submitted their initial reports. The failure to submit these reports will make it difficult for these states to meet the deadline stipulated in the Convention. States Parties were equally encouraged to submit their annual updates to their initial reports and to highlight the changes in relation with their earlier reports.

In order to encourage and facilitate regular reporting, it was felt useful to develop minimum standards for reporting. In order to capture all elements of relevance to the Convention, a complement to the Article 7 reporting format was proposed and agreed. This complement would give the opportunity to States Parties to include on voluntary basis elements, which are not covered in the existing reporting format. Specific mention was made in this context of additional elements pertaining to Article 7 of the Convention and to the extent to which "states in a position to do so" have met their obligations under Article 6 of the Convention.

Recommendations:

It was recommended that the Article 7 reporting format be amended to include an additional form (see attached "Form J: Other relevant matters").

It was recommended that the interested States Parties consult with ICBL on the possibility of developing a document on guidelines on how to complete the Article 7 format and to report to the next SCE.

It was recommended that this SCE consider, following the SMSP, further developing ideas surrounding using the Internet so as to increase the efficiency of Article 7 reporting.

International cooperation and assistance (Article 6)

The UNMAS database " Mine Action Investments", developed with the assistance of Canada, was reviewed as a means for donors to share information on the activities to ensure enhanced coordination and greater transparency.

Concern was expressed that only 8 donors of a total of 38 have entered information into this database. 5 of them had also provided planning data for the year 2000. No general trends on donor activities could be indicated due to the lack of participation in the database. There was general agreement on the usefulness of the database and to consider how to include private sector sources of funding for mine action.

Mention was made about the portfolio on victim assistance, the Landmine Monitor Report and the development of illustrative trends in relation to donor-countries and recipient countries. It was stressed that no sufficient information was available to be estimate if there has been increase in the way victim assistance is addressed.

Recommendation:

It was recommended that more donors enter their information into the database before the SMSP in order to improve the contribution rate and to inform the SMSP about general trends.

It was recommended that the SCE continue to follow up this matter at its next meeting.

Facilitation and clarification of compliance (Article 8)

The UNDDA has communicated a list of experts to the States Parties to the Convention. As of 24 March 2000 a total of 11 States Parties had submitted a list of names providing a potential pool of 79 experts. It was pointed out that a number of States Parties need more information about the criteria for experts before submitting their list to the UNDDA.

Due attention was paid to the stringent deadlines in the Convention to host meetings and send fact-finding missions under Article 8 and to the need to further operationalize this Article. Four topics were identified for further work, namely the elaboration of "standards of evidence" which may be used as a basis for initiating "Request for Clarification", the maintenance of List of Experts, fact-finding missions and financial issues.

Recommendation:

It was recommended that for purposes of the effective implementation of the Convention and to ensure clarity on the composition and operation of the factfinding mission, expert work should be conducted prior to the next meeting of the Committee. The work will be conducted by a small group consisting of representatives of States Parties, NGO's and the UN to come up with a comprehensive report on procedural issues relevant to the implementation of Article 8.

Definitions (Article 2)

It was reported that as a result of consultations, there was no consensus with respect to the establishment of an expert group to discuss matters pertaining to definitions. However States parties reaffirmed the language on this matter as contained in the Convention and noted the ICRCs offer to host technical consultations on matters pertaining to anti handling devices and sensitive fuses.

Stockpiles retained for development and training (Article 3)

States Parties, which have retained AP mines under this Article, explained the purpose of mines retained and the actual use of any retained mines. It was stressed that size of stockpiles should be kept to the absolute minimum necessary.

National implementation measures (Article 9)

To promote greater understanding on the different approaches taken with respect to national implementation measures, some States Parties provided more information on the nature of their particular approaches to meeting obligations under Article 9.

MATTERS PERTAINING TO THE SECOND MEETING OF THE STATES PARTIES

Reporting mechanism of the Intersession Program to the SMSP

7. The January Meeting recommended that the reports submitted from the SCEs to the SMSP should not exceed 5 pages, should contain an evaluation on progress achieved and recommendations for consideration by states parties at the SMSP. Additional information – if required – could be made available on the website of the GICHD (<http://www:gichd.ch>).

Recommendation:

It was recommended that the five-year report to be prepared by the four Standing Committees to serve as the basis for discussion during the informal consultations to be held during the SMSP under agenda item "Informal consultations on international cooperation and assistance in accordance with Article 6".

It was recommended that a common template be established in consultation with the co-chairs for these committee reports in order to ensure a standardized formatting before being submitted to the UN Secretariat for translation.

It was further recommended that report of this SCE would serve as the basis for discussion, inter alia under the agenda item "Review of the general status and operation of the Convention."

8. It was the general view to submit to the SMSP a "President's Paper on the work of the Standing Committees of Experts". This paper should (a) reflect the overall accomplishments of the intersessional work program, (b) contain, in a coherent and unified manner, the wide range of actions proposed by the committees, and (c) serve as the proposed official view of the Meeting of States Parties with respect to these actions. Three categories of actions were differentiated in this respect

- > taking note,
- > recommendations,
- > agreements.

Recommendation:

It was also recommended that the co-chairs of this committee be tasked to work with the co- chairs of the other four committees to draft a "President's Paper on the Work of the Standing Committees of Experts", to

consult on it widely in advance of the Second Meeting of States Parties and to submit the product of these consultations to the SMSP.

2. Organizational matters pertaining to the SMSP

The co-chairs reviewed the recommendations made in January with respect to the SMSP and achieved consensus on matters pertaining to the SMSP agenda, program and nominee for the Presidency. In addition, the SCE received reports from the UNDDA and Switzerland on organizational matters pertaining to the SMSP.

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