

Update on the Article 5 extensions process

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**Standing Committee on Mine Clearance, Mine Risk Education and
Mine Action Technologies**

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It is my pleasure to provide you with an update on the Article 5 extensions process which was agreed to at the Seventh Meeting of the States Parties.

My role with respect to this process began at the Eighth Meeting of the States Parties when I presented the paper entitled *An orientation to the process concerning Article 5 extension requests*.

The purpose of this document was to remind you of the key elements of the process agreed to at the 7MSP and to inform you of some practical steps I anticipated taking with respect to this process in 2008. Please allow me to recall some of the highlights.

With respect to preparing requests, pursuant to the decisions of the 7MSP, I encouraged requesting States Parties to continue to make use of the expert support provided by the Implementation Support Unit.

And I encouraged them to incorporate into their extension requests relevant aspects of their national demining plans and to be pragmatic in using or adapting the voluntary template.

With respect to submitting requests, again in accordance with the decisions of the 7MSP, I encouraged relevant States Parties to submit preliminary requests in March 2008.

I indicated that I would inform the States Parties of all requests received and make all requests openly available on the Convention's web site.

With respect to analysing requests, I indicated that I would seek the views of the States Parties mandated to analyse requests on the way forward with respect to methods for preparing analyses of requests.

I also underscored my intention to work in close collaboration with requesting States Parties and I stated that the analysis of requests

should be a cooperative one ultimately leading, in many circumstances, to improved revised requests for extensions.

In my paper, I stated that at least eight weeks prior to the 9MSP, I will submit to the 9MSP Executive Secretary the analysis of requests submitted and ask the Executive Secretary to ensure that these documents are translated in time for the meeting.

I also indicated that I would encourage requesting States Parties to ensure that final versions of requests for extensions include a 2-5 page executive summary containing an overview of information necessary for an informed decision on the request to be taken.

With a view to balancing the need to access information and the need to address the costs which may be associated with translating a large number of requests, I stated that I will ask the 9MSP Executive Secretary to ensure that only the executive summaries of requests are translated in time for the meeting and that the detailed requests would be made available in their original languages.

That is what I presented to the 8MSP and what I understood to be generally acceptable to the States Parties.

Please allow me now to highlight what has transpired since the 8MSP:

On 8 February 2008, with a view to ensuring that requests would be submitted in a timely manner, I wrote to the States Parties with deadlines in 2009 that had indicated that they will or may need to request an extension to remind them to submit their requests in March.

On 11 March 2008, the States Parties mandated to analyse extension requests met principally to discuss working methods. We agreed, *inter alia*, to the following:

- It was concluded 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 an initial determination of the completeness of requests and immediately seek to obtain additional information which may be necessary for a complete analysis.

- With respect to expertise which the 7MSP decisions indicated we could draw from, it was understood that expertise could be derived from a variety of sources and in a variety of forms.
- With respect to conflicts of interest, it was concluded that the President would ask members of the analysing 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 the requesting State Party.
- And with respect to transparency, it was concluded that working methods agreed to by the analyzing group and relevant tools used would be communicated to all States Parties by the President and made available on the Convention's web site.

On 4 April 2008, I sent a complete set of our agreed working methods to the States Parties.

With process considerations largely out of the way, the real heavy lifting of the analyzing group began.

Between 26 March and 3 April, requests were received from the following 10 States Parties: Bosnia and Herzegovina, Denmark, Ecuador, Jordan, Nicaragua, Peru, Senegal, Thailand Venezuela and Zimbabwe.

On 4 April, I wrote to all States Parties to inform them that these requests had been received and I instructed the ISU to make these requests available on the Convention's web site.

Since 4 April, an additional four requests have been received from the following States Parties: Croatia, Mozambique, the United Kingdom and Yemen. These requests also have been made available on the Convention's web site and I will soon write to all States Parties to formally inform them of the receipt of these requests.

The following should also be noted regarding requests received or being prepared:

- On 26 May, Chad wrote to me to indicate that due to exceptional circumstances, principally internal unrest, Chad could not prepare the request within the requested timeframe and that it was working towards submitting its request in July, and,

- On 27 May, Zimbabwe submitted a revised extension request. This revision has been made available on the web site.
- With respect to the four other States Parties with deadlines in 2009, we understand the following: (a) that Malawi has completed implementation of Article 5; (b) that France and Uganda will comply by their 2009 deadlines; and, (c) that Niger will soon issue communications to confirm or deny the presence of anti-personnel mines in mined areas and, if the former, if it needs to request an extension.

On 29-30 April, the States Parties mandated to analyse Article 5 extension requests met to begin discussions on requests received by that time. At this meeting, the group received a report of the Co-Chairs of the Standing Committee on Mine Clearance and their Co-Rapporteurs who had met on 8 and 11 April to carry out agreed pre-analysis work.

The Co-Chairs, with the support of their Co-Rapporteurs, concluded that eight requests were complete or largely complete and ready for analysis, that is, those submitted by Ecuador, Jordan, Nicaragua, Peru, Thailand, Venezuela, Yemen and Zimbabwe. Of these eight, the Co-Chairs, with the support of their Co-Rapporteurs, proposed that questions be asked of seven in order to obtain additional information.

The Co-Chairs further concluded that three requests were considered incomplete and not yet ready for analysis, that is, those submitted by Bosnia and Herzegovina, Denmark and Senegal. The Co-Chairs also proposed that questions be asked of these 3 in order to obtain additional information.

In accordance with the working methods agreed to by the group, I excused myself from discussions on Jordan's request, and representatives of Peru and Thailand did not attend portions of the meeting that concerned their respective requests.

Also at the 29-30 April meeting, the group called upon the expert advice of the ICBL and the ICRC given the broad scope of these organisations' expertise. We concluded that the input provided was extremely useful and appreciated by the group.

On 15-16 May, the group met again to continue its work. This meeting was divided between expert input and informal discussions with representatives of requesting States Parties.

Expert input on demining techniques was provided by the GICHD, and, on land release methods by the GICHD and Norway in its capacity as Coordinator of the Resource Utilization Contact Group.

In addition, general views and observations on requests were provided by the UNDP, the ICBL and the ICRC.

Also on 15-16 May, informal question and answer sessions were held with representatives of Mozambique, Nicaragua and Thailand.

In addition at the May meeting of the group, the group concluded that I should write to three requesting States Parties suggesting that revisions be made in order that their requests would be more complete.

As well in May, I provided to the group a critical path to guide our work between May and September. Our aim is to see that by 10 July, we would have concluded in precise terms what suggestions we have for requesting States Parties to improve requests and what issues or concerns we have.

When we meet at the end of August, we hope to conclude analysis on as many requests as possible.

And finally in mid-September, we will need to conclude analysis on remaining requests.

During the course of this week, the analyzing group is meeting every morning prior to the start of Standing Committee meetings in order to hold additional informal question and answer sessions with requesting States Parties. We hope to meet with 10 requesting States Parties this week.

In terms of the method used by the analyzing group, we are working on the basis of generating remarks in accordance with a checklist that the group has developed which takes into account the provisions of Article 5, paragraph 4 of the Convention, and, the 7MSP decisions.

This checklist is annexed the Chair's summary of the 15-16 May meeting of the analyzing group.

This and other Chair's summaries can be accessed on the internet. In fact, a variety of information related to the extensions request process, including the requests submitted, can be found at www.apminebanconvention.org/extensions.

That is to say that I take very seriously the need for this process to be transparent.

Looking forward to the final phase of this process – taking decisions on requests – you will recall that formal consideration of requests will be a matter dealt with by the States Parties for the first time at the 2008 9MSP.

I am grateful that the 9MSP President-Designate has proposed a programme for the 9MSP which takes into account that a great amount of time may be necessary for the formal consideration of requests at the 9MSP.

I am also grateful that he has reminded us that there is no need to amend the rules of procedure for the 9MSP because the rules for our MSPs have always taken into account the possibility of considering extension requests.

I have spoken at length but before I end I want to offer some observations of this process.

- First: I believe we have been well served by applying the decisions of the 7MSP in a practical minded manner than is consistent with the working culture of this Convention.

We have been greatly aided by the calendar established pursuant to the decisions of the 7MSP which sees, for instance, that in 2008 we receive requests – hopefully well in advance of the 9MSP – only from those States Parties with deadlines in 2009. There will be plenty of time in 2009 for requests to be submitted by States Parties with deadlines in 2010.

We have been well served by those States Parties that have applied in a practical minded way the voluntary template adopted at the 8MSP. Many have used this to make an initial compilation of information and then have converted this into an easy to read narrative, complemented by adapted tables from the template.

- Second: I would remark that this process has been extremely challenging. Not only is this the first year that we have made use of this provision of the Convention, but it is also the year when this process will be used more than ever again.

We have had to both find our way as we proceed into the great unknown, and, deal with an incredible volume of requests.

These challenges have been compounded by late requests, by – in one instance – a non-request in that no time has been requested, and, by requests that lack clarity and contain data discrepancies.

I would remark that probably our biggest challenge has been how the commitment required on the part of analyzing group members has been too great for many.

Examining dozens of pages of requests from now 14 States Parties is a heavy burden as is ensuring that delegations are prepared for active participation in hours of meetings.

It is a burden that we knowingly accepted, though, when we chose to be, or in some instances vigorously competed to be, Co-Chairs and Co-Rapporteurs.

I regret, however, that participation has been mixed and I have written to the Permanent Representatives of the 16 other States Parties mandated to analyse extension requests to insist on an active participation from this point forward.

This is an important point to take into account for States Parties considering proposing that they be appointed Co-Rapporteurs for the period following the 9MPS.

Let me close with some positive observations. These are that it is quite incredible that the extension request process has seen the most comprehensive information ever prepared on the state of implementation by requesting States Parties.

Second, we have observed that some States Parties have seized on the opportunity presented through an extension request to reinvigorate interest in national demining plan, in large part by demonstrating national ownership and that implementation is possible in a relatively short period of time.

Thank you Co-Chairs.