
**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**

1 December 2010

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Tenth Meeting**Geneva, 29 November – 3 December 2010**

Item 13 of the agenda

Consideration of requests submitted under article 5**Report on the consideration of requests for extensions to
Article 5 deadlines
2009-2010****Submitted by the President of the Second Review Conference**

1. At the 2006 Seventh Meeting of the States Parties (7MSP), the States Parties established “a process for the preparation, submission and consideration of requests for extension to Article 5 deadlines.” This process includes the President and the Co-Chairs and Co-rapporteurs of the Standing Committees jointly preparing an analysis of each request. In doing so this group of 17 States Parties (hereafter referred to as the “analysing group”) is tasked, along with requesting States Parties, with cooperating fully to clarify issues and identify needs. In addition, in preparing each analysis, the analysing group in close consultation with the requesting State, should, where appropriate, draw on expert mine clearance, legal and diplomatic advice, using the Implementation Support Unit (ISU) to provide support. Ultimately, the President, acting on behalf of the Co-Chairs and Co-Rapporteurs, is charged with submitting the analyses to the States Parties well before the Meeting of the States Parties or Review Conference preceding the requesting State’s deadline.

2. At the 7MSP, the States Parties agreed “to encourage States Parties seeking Article 5 extensions to submit their request to the President no fewer than nine months before the Meeting of the States Parties or Review Conference at which the decision on the request would need to be taken.” On 11 March 2010 the analysing group met to take stock of its workload for 2010, noting that potentially seven States Parties with 2011 deadlines – Chad, Colombia, Congo, Denmark, Guinea-Bissau, Mauritania and Zimbabwe – would request extensions. The analysing group noted that three of these States Parties – Chad, Denmark and Zimbabwe – would be submitting a second request as they have previously been granted extensions until 2011.

3. Also at its 11 March 2010 meeting, the analysing group agreed to carry out its work in accordance with the working methods adopted by the analysing group in 2008, as

* Reissued for technical reasons.

recorded by the President of the Eighth Meeting of the States Parties (8MSP) in document APLC/MSP.9/2008/WP.35.

4. In accordance with the decisions of the 8MSP, requests to be considered at the Tenth Meeting of the States Parties (10MSP) should normally have been submitted no later than the end of March 2010. On 31 March 2010, the President received a request submitted by Colombia. On 10 April 2010, the President received a request submitted by Mauritania. On 18 June 2010, the President received a request submitted by Denmark. On 23 June, the President informed the Standing Committee on Mine Clearance that she had written to all other States Parties with deadlines in 2011 to request that they clarify when or whether they will submit requests.

5. On 3 August 2010, the President received a request submitted by Zimbabwe. On 2 September 2010, the President received a request submitted by Chad. On 8 September 2010, the President received a request submitted by Guinea-Bissau. As a result of a cooperative dialogue with the analysing group, three States Parties revised their requests and submitted these revisions as follows: Colombia on 6 August, Mauritania on 6 September and Zimbabwe on 28 September 2010.

6. In accordance with the decisions of the 8MSP, each request and each revised request received by the President was made available on the Convention's website.

7. The analysing group met on 19 May 2010, each day from 21 to 24 June 2010, on 7 September 2010, on 2 November and on 24 November 2010 to carry out its work. During the week of 21 to 25 June 2010, the analysing group held informal discussions with representatives of each of the requesting States Parties. As well, expert input was obtained at various instances in the process from the ICBL and ICRC. While much of the work of the analysis group was completed by the end of September – which is the approximate deadline for ensuring that documents can be processed for Meetings of the States Parties in a timely manner – the late submission of some requests and / or complexities related to some requests meant that some analyses could not be submitted until the week prior to the 10MSP.

Observations and recommendations

8. For the third year in a row, the analysis process highlighted that some requesting States Parties, almost ten years after entry into force, still lacked clarity regarding “the location of all mined areas that contain, or are suspected to contain, anti-personnel mines under (their) jurisdiction or control”, a matter which States Parties are obliged to report on in accordance with their obligations under Article 7 of the Convention. It is recommended, therefore, once again, that all States Parties in the process of implementing Article 5, particularly those that may believe it will be necessary at a future date to submit an extension request, intensify and accelerate efforts to locate and report on all mined areas that contain, or are suspected to contain, anti-personnel mines under (their) jurisdiction or control.

9. The analysis of requests in 2010 underscored the importance, as has been recorded by the States Parties in the past, of States Parties that lack clarity regarding their Article 5 challenge “requesting only the period of time necessary to assess relevant facts and develop a meaningful forward looking plan based on these facts.”

10. The analysis of requests in 2010 underscored the importance, as has been recorded by the States Parties in the past, of the States Parties agreeing that those that have been granted extensions be asked to report regularly on time-bound commitments made in requests and on the decisions taken on requests.

11. Normally requests should be submitted no later than 31 March of the year when the request would be considered. In 2010, only one of the six requests submitted was received by the President by 31 March 2010. Three of the requests were not submitted until well after the June meetings of the Standing Committees. This impeded the efforts of the analysing group and resulted in some analyses being completed much later than they normally should have. It is recommended that the 10MSP recall the importance of the timely submission of extension requests to the overall effective functioning of the Article 5 extension process.

12. The Article 5 extension request process places a heavy burden on the representatives of those States Parties that are mandated to analyse the requests. It remains important that the analysis process is State Party-driven. To further assist the States Parties in continuing to effectively lead this process, the President, with the support of the ISU, should consider ways and means (e.g., seminars, workshops, etc.) to increase the knowledge and expertise of the analysing group with respect to the technical subject matter contained within Article 5 requests.

13. The Republic of Congo has an Article 5 deadline on 1 November 2011. It has not yet indicated that it will be able to comply by its deadline. If it now believes that it will not be able to meet its deadline, it will be non-compliant with the Convention as of 1 November 2011.
