

**PRESENTATION OF THE REPORT ON THE CONSIDERATION OF REQUESTS FOR
EXTENSIONS TO ARTICLE 5 DEADLINES**

PRESIDENT OF THE TENTH MEETING OF THE STATES PARTIES

28 NOVEMBER 2011

It is my pleasure to report on the process of analysing Article 5 extensions requests that were submitted in 2011, an effort that I chaired and which involved the Co-Chairs and Co-Rapporteurs of the Standing Committees.

You will recall that at the 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 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 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.

As part of the process established at the 7MSP, we 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.”

Last year, at the 10MSP, we recalled the importance of the timely submission of extension requests for the overall effective functioning of the Article 5 extension process and, in this context, recommended that requesting States

Parties submit requests no later than 31 March of the year when the request would be considered.

I am pleased to report that on 31 March 2011, I received requests submitted by Algeria, the Democratic Republic of the Congo and Eritrea. And, on 14 April 2011, I received a request submitted by Chile.

In accordance with the decisions of the 7MSP, these requests were made available on the Convention's website.

On 7 March 2011, I convened a workshop for the representatives of States Parties mandated to analyse requests.

The aims were to increase our knowledge of the subject related to Article 5 and to ensure that we were fully aware of the analysing group's working methods.

In accordance with the agreed working methods, the Co-Chairs of the Standing Committee on Mine Clearance, with the support of their Co-Rapporteurs, made an initial determination of the completeness of each request and generated questions to obtain additional information from each requesting State Party.

I then forwarded these questions to the concerned State Parties with each providing a detailed response.

On 20 May 2011, the analysing group met to share initial views on the four requests that had been received by that date.

In addition, in keeping with past practice, the ICBL and the ICRC were invited to share their views on the requests.

The analysing group also noted that four States Parties with 2012 deadlines did not submit requests: Denmark, Guinea Bissau, Jordan and Uganda.

In addition, the analysing group noted that one State Party with a 2011 deadline, Congo, had not provided clarity on whether it would be in a position to fulfil its Article 5 obligations by its 1 November 2011 deadline.

The analysing group met again on June 21st, 22nd and 24th, primarily to engage in informal discussions with representatives of requesting States Parties.

Algeria, Chile and the Democratic Republic of the Congo each accepted the analysing group's invitation to take part in such discussions.

As a result of a cooperative dialogue with the analysing group, three States Parties revised their requests and submitted these revisions as follows: Algeria on 17 August 2011, the Democratic Republic of the Congo on 11 September 2011 and Eritrea on 11 August 2011.

The analysing group met for a final time on 5 September 2011 to consider draft analyses. In addition, throughout September and October additional deliberations were held electronically.

Analyses on the requests submitted by Algeria and Chile were forwarded to the 11MSP Executive Secretary on 27 September 2011.

The analysis on the request submitted by Eritrea was forwarded on 8 October 2011 and the analysis on the request submitted by the Democratic Republic of the Congo was submitted on 21 October 2011.

On XX November, I received a request submitted by Congo.

In keeping with our agreed process, Congo should have submitted a request by 31 March of last year for consideration at the 10MSP.

As it stands, as of November 1st of this year, Congo has been non-compliant with Article 5 of the Convention.

Moreover, the fact that it submitted a request less than two weeks ago means that the agreed analysis process could not take place.

I will return to the matter of Congo in more detail once we get to the discussion on its request.

Regarding observations and recommendations from the analysis process this year, I would note that for the fourth year in a row, the analysis process highlighted that some States Parties still lack clarity regarding "the location of

all mined areas that contain or are suspected to contain, anti-personnel mines under (their) jurisdiction or control”.

This is a matter that 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.

A second observation is that the analysis in 2011 underscored the importance, as has been recorded by States Parties in the past, of States Parties that lack clarity regarding their Article 5 challenge “requesting only the period necessary to assess relevant facts and develop a meaningful forward looking plan based on these facts”.

A third observation is that the analysis process in 2011 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.

A fourth observation is, notwithstanding the situation with respect to the Republic of the Congo, there was improved performance on the part of requesting States Parties in 2011 in terms of the timely submission of requests.

Fifth: At the 10MSP, the President of the Second Review Conference noted that the Article 5 extension request process places a heavy burden on the representatives of those States Parties that are mandated to analyse the requests.

The President of the Second Review Conference recommended that the President, with the support of the ISU, should consider ways and means to increase the knowledge and expertise of the analyzing group with respect to the technical subject matter contained within Article 5 requests.

I acted upon this recommendation by convening a workshop to increase the knowledge and build the capacity of representatives of States Parties mandated to analyse requests.

While there was widespread appreciation for this workshop, it was observed in 2011 that the analysis process requires a renewed commitment from Co-Chairs and Co-Rapporteurs.

I would recommend that States Parties considering taking on the task of serving as a Co-Chair or Co-Rapporteur recall that a central aspect of their responsibilities involves actively contributing to the analysis process.

Thank you.

