

A DIALOGUE ON THE FACILITATION AND CLARIFICATION OF COMPLIANCE

Thank you Mr. Co- Chair,

As a result of recent informal consultations facilitated by Canada, States Parties and relevant organizations, Canada wishes to put forth, for the consideration of the Co-Chairs and the State Parties a non-paper which sets out a few questions that State Parties and others may wish to consider as a possible way forward in the discussion of Article 8 matters between January 2002 and the Fourth Meeting of the States Parties.

The background to this paper is as follows:

Following open discussions held on the issue of Article 8 since 1999 and further to an agreement made at the May 2000 meeting of the Standing Committee on the General Status and Operation of the Convention, Canada accepted the task in 2000-2001 of facilitating discussions on better understanding the Convention's compliance clarification provisions.

Over the past year, and based on the recommendations of the 2001 President's Action Program, important efforts were made at Standing Committee Meetings to discuss considerations related to Article 8 and the broader means available to States Parties to clarify matters related to compliance.

In particular, both May and September 2001, many parties emphasized the need for further discussions on the commitment in Article 8.1 of the Convention regarding the implementation of the Convention, and to work together in a "spirit of cooperation" to facilitate compliance.

Keeping in mind that both the letter and the spirit of the Convention point to a relationship amongst cooperation, compliance and implementation, especially in the case of the obligations under Articles such as 4 and 5 to destroy stockpiles and clear mines and Article 6 to assist others in doing so. The paper poses such important questions as:

What are the ways that cooperation could be enhanced to assist States Parties in fulfilling their obligations and what role could the Standing Committee or other desirable mechanism play?

Article 7 reports contain valuable information that could serve as a basis for better identifying how States Parties could cooperate with each other to facilitate compliance and implementation.

How can we make the best use of the tools, such as Article 7 reports already at our disposal to better assist the work of the State Parties?

As we know, at one level of compliance, there are the gravest concerns, such as the willful use of anti-personnel mines. The paper raises several questions in the regard, for example:

What kinds of approaches can be taken to ensure beneficial outcomes for all concerned, including the accused State, potential victims, and other interested parties so that real or alleged non-compliance does not lead to abandonment of the Convention, but rather a greater commitment and support for its implementation? What considerations should be given to confidentiality? And Is there a role for regional approaches?

At the suggestion of our French colleagues, the paper also asks if there are lessons to be learned from other fields such as environment, human rights, or other disarmament fields?

The paper also suggests that clarification be sought from the United Nations as to what role the Secretary General would play in the case that Article 8 was invoked?

In conclusion, the questions raised above are intended to assist in broad-based discussions of the next steps in the consideration of the facilitation and clarification of compliance issues. As a facilitator of this process, Canada would be pleased to receive further input on useful areas of discussion and to facilitate open discussions at the call of the co-chairs. In addition, if it is the wish of the Co-Chairs, Canada would be pleased to report to the May meeting of the Standing Committee on the discussions.