

Anti-Personnel Mine Ban Convention

Reflections on the meeting programme and machinery and draft recommendations

Introduction

The implementation of the Anti-Personnel Mine Ban Convention is facilitated by its implementation machinery including the Convention's informal and formal meetings and through the mandates of the President and the Convention's four Committees as established by the States Parties at the Third Review Conference in 2014.

The Fourth Review Conference provides an opportunity to review the need and the nature of meetings (both formal and informal) and agree on the meetings programme for the period until the Fifth Review Conference in 2025. Likewise, the Fourth Review Conference provides an opportunity to review the machinery established at the Third Review Conference.

In reviewing the meeting programme and the machinery, consideration should be given to how best to support the efforts of the States Parties in implementing the Convention and its associated action plan, bearing in mind the 2025 aspirations of the States Parties.

The Convention's meeting programme

The Meetings of the States Parties

The Third Review Conference agreed that, in keeping with the mandate of the Meetings of the States Parties (MSP), "to consider any matter with regard to the application or implementation of this Convention", the Meetings of the States Parties could inter alia consider the conclusions and recommendations of the Convention's four Committees, requests for extended mine clearance deadlines, any other relevant matters and the ISU's report, audited statement and work plan and budget."

Meetings of the States Parties have traditionally been held over five days. Nevertheless, since the Fifteenth Meeting of the States Parties in 2016, the combination of a deficit resulting from outstanding and unpaid assessed contributions and new financial accounting practices used by the United Nations have led to the shortening the MSPs to four days as well as other cost-cutting measures.

Meetings of States Parties since the Third Review Conference:

Meeting	Duration	Programme
14MSP (2015)	5 days	Usual programme and one additional thematic panel
15MSP (2016)	4 days	Usual programme and two additional thematic panels
16MSP (2017)	4 days	Usual programme/ two additional thematic panels /discussion on finances
17MSP (2018)	4 days	Usual programme as well as discussion on finances, one informal day in the middle of the meeting programme dedicated to bilateral meetings and side-event program
Fourth Review Conference	4 days	Usual programme as well as discussion on finances ¹

¹ The Fourth Review Conference will be held in four days plus an additional opening ceremony owing to a decision by the President unrelated to the financial situation.

Despite the reduction to four-days, States Parties have been able to consider matters regarding the implementation of the Convention (as provided for in Article 11 on the Convention) and to have thematic panels on topics of current interest, though in some cases it has been felt that more time for substantive discussions would have been welcome. Given the financial status of the Convention, the addition of an agenda item on finance should by now be considered standard practice that could and should continue in future meetings. Given the increased interaction between the Convention’s Committees have increased their interactions with States Parties and a wish by some States Parties and organisations to see more informal discussion during the meetings of States Parties, it has been felt that additional time for informal meeting either during the MSP or the intersessional meetings has been a positive addition.

Intersessional meetings

The Third Review Conference agreed that the Intersessional meetings “need not be more than two days long, permitting them to be scheduled during the same week as the meetings of other Convention or activities”. The Third Review Conference further agreed that the intersessional meetings “could comprise a thematic segment and a preparatory segment”.

The issues covered by the intersessional meetings have remained the same as prior to the Third Review Conference, with an additional thematic segment having been added in all but the last year². A certain time-pressure has been felt by delegations during the two-day intersessional meetings, and the Committees have had to ask delegations to either shorten their statements or submit them in written form. Nevertheless, it has been possible to carry out the work as planned, and the time-pressure may also have contributed to a higher level of discipline and better time management that in itself could be considered positive.

Since 2018, the Committees have also added an informal day to the programme to allow time for Committees to meet with affected states on a bilateral basis. This decision stems from the fact that the Committees have recognized the need to engage affected states not only in the plenary but also directly and on a one-to-one basis to maximize the opportunity given by their presence at the intersessional meetings and to best implement their respective mandates. This practice has led to a better understanding by the Committees of national situations and constraints and has clarified expectations in terms of information that needs to be provided for mine affected states.

In 2019, one was set aside for thematic discussions on topics relevant to the Review Conference and new action plan held in the plenary but in an informal format and without interpretation. Such an informal exchange of views was considered to be a positive addition at the time.

Intersessional meetings since the Third Review Conference:

Dates	Duration
25-26 June 2015	2 days
19-20 May 2016	2 days
8-9 June 2017	2 days
7-8 June 2018	2 days plus 1 day allocated for bilateral meetings of the Committee (18 such meeting took place) prior to the intersessional meeting.
22-24 May 2019	1.5 days plus 1 day dedicated to bilateral meetings of the Committees (25 such meetings took place) prior to the intersessional meeting plus 1 day dedicated to thematic discussions in an informal format. 0.5 day was spent on the preparatory meeting for the Fourth Review Conference.

² 2015: Thematic discussion “Partnerships: state of play”

2016: Thematic Panel on achieving Completion: A Mine-Free World by 2025: The Last Stretch

2017: Plenary discussion: meeting our aspirations of 2025

2018: “Implementation of Article 5 of the Anti-Personnel Mine Ban Convention”

2019: No thematic segment

The Convention's Machinery

Since the Third Review Conference, the States Parties' implementation machinery has consisted of the following:

- Committee on Article 5 Implementation
- Committee on Victim Assistance
- Committee on the Enhancement of Cooperation and Assistance
- Committee on Cooperative Compliance
- Coordinating Committee
- President

The purpose, mandates, memberships and working methods of these Committees and the President were agreed to at the Third Review Conference³. Currently, each Committee comprises four members. The Coordinating Committee comprises all the members of the Committees as well as the Sponsorship Coordinator and the President Designate as an observer. The ICBL, ICRC, GICHD and UNODA also have observer status. The Coordinating Committee thus consists of 17 members, one observer State and four observer organisations. The Coordinating Committees includes a group of States Parties which are representative of the Convention in terms of regional balance and between State in the process of implementation of key obligations of the Convention, those in a position to provide financial or other assistance, and other States Parties. Together with the observer States and organizations the Coordinating Committee is well placed and large enough to carry out its function and addressing any matter that may affect implementation of the Convention.

The purpose of the work of the Committees and the President has been to provide support and advice to the States Parties in a cooperative manner to facilitate the implementation of the Convention and of the relevant actions of the Maputo Action Plan until 2019.

The machinery agreed to at the Third Review Conference has so far served the Convention well bringing an increased focus on the interaction between States Parties implementing the Convention and the Convention's machinery. The Committees have developed a working method which has increased their direct interaction with affected States Parties which has been beneficial to both the Committees and affected States and which seems to have contributed to improving the overall implementation of the Convention and ensuring continuity between the meetings of the Convention.

Since the Third Review Conference, Committees provide feedback on information provided by States Parties on implementation and this has been very useful not only in promoting a healthy exchange of information but also in strengthening the collaboration between the States Parties and the Committees. The Committees have also increasingly paid attention to the need to strengthen their coordination. The decision to present a single comprehensive and coordinated report on the implementation of the Convention by affected States Parties to the Fourth Review Conference is one example of this. Furthermore, the Committees have regularly held joint meetings given the overlap of their work such as the meetings held between the Committee on Victim Assistance and the Committee on Article 5 Implementation with the Committee on the Enhancement of Cooperation and Assistance including on matters concerning the individualized approach. Overall, it appears the machinery established by the Third Review Conference has served the Convention well and continues to improve its working methods.

The workload of the four committees is generally significant, but manageable as committees receive support from the ISU to carry out their mandates. The Committee on Cooperative Compliance has generally had a

³ APLC/CONF/2014/CRP.1

slightly lighter workload compared to the other committees, as its mandate has comprised only cases related to Article 1.1, of which there has thankfully been few.

Nevertheless, a few topics have been identified that could benefit from more or more systematic attention by the Convention's machinery. Such topics include the Convention's finances, Article 7 reporting, implementation of Article 9 and gender mainstreaming.

Concerning the Convention's finances, since 2016, the President has included the status of assessed contributions for UN support to Meetings of States Parties on the agenda of the Coordinating Committee and of Meetings of the States Parties. Successive Presidents have spent significant efforts monitoring and raising awareness on the financial situation, encouraging timely payment of assessed contributions and analysed possible measures to improve the financial health of the Convention. The mandate given to the Presidents to look into the Convention's finances derive from annual decisions taken by Meetings of States Parties. Given the direct relation between this issue and the holding of meetings under the Convention, there is a sense that this matter should explicitly be added permanently to the President's mandate. At the same time, and given its complex nature, there may be a need for more support to the President in monitoring and following up more closely on financial matters from members of the Coordinating Committee.

Concerning the Convention's Article 9, this article calls on State Parties take "all appropriate legal, administrative and other measure, including the imposition of penal sanctions, to prevent and suppress any activity prohibited to a State Party under this Convention". Several States Parties have yet to report on their implementation of Article 9. Ensuring that such measures are in place is directly relevant to the work of the Committee on Cooperative Compliance, and this could therefore be added to the Committee's mandate.

Concerning Article 7 reporting issues, information provided by States Parties in their Article 7 report is not only critical to have an overview of where the Convention stands but also to allow the Committees to fulfil their mandates. In recent years, the overall rate of reporting has declined. Thankfully, the rate and quality of reporting by States Parties implementing core obligations has improved. The Convention could therefore benefit from a more targeted and systematic dialogue with States Parties to encourage submitting Article 7 reports. This task could be added to the Committee on Cooperative Compliance's mandate.

Concerning gender mainstreaming, in the period since the Third Review Conference, there has been a growing understanding of the need to systematically address gender and diversity as part of the Convention's work. This could be achieved by integrating gender directly into the mandates of each Committee at the Fourth Review Conference and furthermore assigning one member of each Committee to act as a gender focal point. The focal points from each Committee could meet on a regular basis in order to ensure the issue is sufficiently mainstreamed within the existing structure.

Draft recommendations regarding the Convention's meeting programme and machinery

1. Meetings of States Parties

- 1.1. Continue to hold Meetings of States Parties annually for up to five days;
- 1.2. Continue including as an agenda item on the *Financial status of assessed contributions* on the agenda of the Meetings of the States Parties.

2. The intersessional meetings

- 2.1. Continue to hold intersessional meetings of up to two days of plenary meeting;
- 2.2. Maintain the informal nature of the intersessional meetings and consider on an annual basis the option of either a) adding a thematic segment during the two-day intersessional meetings or b) to add a day of thematic discussions to allow topics that are relevant to the Convention, including the status of the implementation of the Oslo Action Plan to be addressed. The President will consider and decide on these options in consultations with the Coordinating Committee.

3. The machinery

- 3.1. The machinery should continue fostering and promoting dialogue with affected States Parties in the implementation of the respective mandates of the President and the Committees. The mandate of the President should be amended to include the topic of UN assessed contributions in order to ensure the matter can enjoy the highest-level attention;
- 3.2. The President should be free to consider mandating one or more members of the Coordinating Committee to support on any other issue within his/her mandate where more attention or support may be needed, including on financial matters;
- 3.3. The mandate of all Committees should be amended to take into account gender and diversity issues in their work, including in the presentations of their observations and conclusions. Ensuring that gender and diversity is mainstreamed in the Committee's work will be the responsibility of the Chair of each Committee;
- 3.4. Each Committee should additionally assign one of its members to serve as a focal point for gender and diversity. The purpose of the focal point is to provide advice on the fulfilment of the gender mainstreaming objectives of the Oslo Action Plan and support the Chair in ensuring that the Committee includes gender and diversity in its work and exchanges of information with States Parties within the Committee's area of responsibility;
- 3.5. The mandate of the Committee on Cooperative Compliance should be expanded to address all matters under Article 1 and the implementation of Article 9 of the Convention in the spirit of cooperation to facilitate compliance in a supportive and amicable manner;
- 3.6. The mandate of the Committee on Cooperative Compliance should be expanded to include the responsibility to encourage States Parties to submit annual Article 7 reports. Priority should be given to engage with States Parties that are implementing core Convention obligations;
- 3.7. The Committees should continue their efforts of increasing and strengthening their coordination including by examining implementation by States Parties in more holistic manner by submitting joint conclusions on the status of implementation of the Convention by States Parties at Meetings of the States Parties/Review Conferences.