

# 9MSP Summary, 24-28 November 2008

## 9th Meeting of the States Parties to the Mine Ban Treaty, Geneva, Switzerland, 24-28 November 2008

### Conference Report

#### Opening Ceremony, Official Opening of the Meeting, General Exchange of Views

At the outset of the 9th Meeting of States Parties to the Mine Ban Treaty, the presidency was passed from His Royal Highness Prince Mired Raad of Jordan, President of the 8MSP, to Ambassador Jürg Streuli of Switzerland as President of the 9MSP. In keeping with past practice, the eight outgoing Co-Chairs of the 2008 Standing Committees were elected Vice-Presidents of the 9MSP: Cambodia, Canada, Germany, Kenya, Lithuania, New Zealand, Peru and Serbia. During the opening ceremony and opening of the meeting, the ICBL made two interventions: ICBL Youth Ambassador and landmine survivor Song Kosal spoke on the urgent need for States Parties to keep their words and respect their treaty obligations and ICBL's Executive Director Sylvie Brigot spoke on the challenges to the Mine Ban Treaty and emphasized the importance that the Mine Ban Treaty has had on the work to ban cluster munitions.

During the General Exchange of Views session, several States Parties expressed concern about the violations of Article 4 (stockpile destruction) and the large number of requests for Article 5 mine clearance extensions, noting the impact both had on the integrity of the treaty. A few states commented on their desire to seek a consensus outcome on the extension request decisions, but Canada asserted that consensus should not come at any cost. Other states, including France speaking on behalf of the European Union, argued that there should be no political considerations when debating the merits of the extension requests. Austria commented that the extension provision was not intended to allow states to take longer due to a lack of political will.

In this session Algeria also announced that it has reduced the number of antipersonnel mines retained under Article 3 from 15,030 to 6,000. Finland reaffirmed its intention to join the Mine Ban treaty in 2012 and declared that all stockpiled antipersonnel mines will be destroyed by 2016. Burundi announced it had newly identified mined areas and called on the international community to assist in clearing these areas. Sudan reported new caches of abandoned antipersonnel mines which will be destroyed in the near future. The ICBL's Head of Delegation Steve Goose presented the challenges of the 9th Meeting of States Parties as well as findings from the 2008 Landmine Monitor Report.

#### Article 5 Extension Requests

During the informal presentation of the extension requests submitted under Article 5, each requesting state was given the opportunity to present its extension request, followed by a presentation of results of the Analyzing Group as well as questions and comments from delegations. States identified adverse terrains, environmental issues, and a lack of financial and technical resources as the main reasons for failing to meet their destruction deadlines. A small group of States Parties and the ICBL expressed concerns about a number of requests, often urging the state in question to seek to finish their demining obligations in less time than requested, a call included in many of the Analyzing Group's findings. It was however clear that the informal discussion was very much influenced by regional and political alliances in particular with regards to Latin American and African States. The ICBL made strong interventions in particular with regards to the UK and Venezuelan extension requests, noting that any state that had no plans to begin demining operations before the expiry of their 10-year deadline should not be granted an extension.

One of the most contentious issues during the 9MSP was the United Kingdom's request for an extension of its deadline to clear mined areas in the Falkland Islands. The UK has not cleared a single mined area since joining the treaty in 1999, and its extension request showed no concrete plans to begin demining in the next 10 years. During the informal discussion a significant number of States Parties expressed deep concern about these issues, especially the UK's lack of clarity about when – or if – it planned to finish its demining duties. The ICBL called on States Parties to turn the request down unless it was revised. Pressure from States Parties and civil society and a threat of a possible rejection of their request resulted in an announcement by the UK that it would put out a

tender to begin demining three of the 117 mined areas in the Falkland Islands. States Parties eventually agreed to grant the UK its mine clearance extension request but the decision was accompanied by a final decision wherein the UK reaffirmed its commitment to full clearance as soon as possible, agreed to return in less than 1.5 years with “a detailed explanation of how demining is proceeding and the implications for future demining,” and was asked to report on a regular basis about concrete progress made. Mine clearance deadline extensions were also granted to Bosnia and Herzegovina, Chad, Croatia, Denmark, Ecuador, Jordan, Mozambique, Nicaragua, Peru, Senegal, Thailand, Venezuela, Yemen and Zimbabwe. Along with the decision to grant these requests, States Parties agreed to short comments on the requests, most notably encouraging Venezuela, Ecuador, Peru, Senegal, and the UK to complete demining in less time than they were granted in their extension.

The ICBL expressed its support for the methodology used by Chad, Denmark and Zimbabwe, requesting a short period of time in order to effectively assess the remaining challenges before submitting another extension request. In commenting on the compromise reached on the UK’s request, it noted that while the outcome was generally satisfactory, States Parties should be ready to vote on requests in the future and to reject those that do not meet the treaty requirements. The ICBL also said that the final comments on Venezuela’s request should have been much more critical given the fact that Venezuela will not begin demining before its 10-year deadline of 1 October 2009.

## **General Status and Operation of the Convention**

### ***Universalization: No progress since last Meeting of States Parties***

Since the 8MSP no state has acceded or ratified the Convention. It is the first time since 1999 that this has happened. During this session several States Parties, including 9MSP President Switzerland and the Chair of the Universalization Contact Group Canada, as well as the ICBL and ICRC, gave updates on their universalization efforts and plans. The ICBL made an intervention expressing concern at the lack of progress and reiterating the importance of continuing universalization efforts despite the apparent standstill reached in 2008.

The highlight of the session was that Micronesia informed the States Parties that a draft resolution to join the Mine Ban Treaty is awaiting approval in congress and will most probably pass in January 2009. Of concern to the ICBL is Libya’s continuous efforts to demand a revision of the Treaty text to include responsibility for states that have laid antipersonnel mines. The ICBL was also disappointed that in their interventions the Marshall Islands, Mongolia, Lebanon and Laos did not provide any timeline for accession to the Mine Ban Treaty.

### ***Stockpile Destruction***

Greece informed the States Parties of its intention to destroy all stockpiled antipersonnel mines by the end of the summer of 2009 and stated that the destruction process has already started with 20,000 mines destroyed. Belarus stated that it is still in the process of working out an agreement with the European Commission to fund the destruction of its large stockpile of PFM mines so could not indicate a starting or completion date. Turkey declared that it has destroyed all the fuzes of its mines and has destroyed about 800,000 of the bodies of the mines. It is hoping to finish destroying the remaining 2 million mines by early 2010. The ICBL made a statement criticizing the three states for violating the treaty and recommending that they be required to submit monthly reports to the MSP president until they were in compliance, a suggestion that was supported by Lithuania.

The surprising highlight of the session was Indonesia’s declaration that it has destroyed all its stockpiles almost three years ahead of its Article 4 deadline. Of the countries with deadlines in 2010, Ukraine stated that it will destroy approximately half of its PFM stockpile using internal funding but will need assistance to complete the destruction of all of its stockpiles before its deadline in 2010. On a positive note, Ethiopia gave States Parties detailed information about the number of stockpiles to be destroyed and stated that it should have no trouble finishing by its 1 June 2009 deadline. Niger informed States Parties that it has been collecting through a buy-back program mines that are allegedly being trafficked from Chad.

### ***Clearing Mined Areas***

The Coordinator of the Resource Utilization Contact Group, Norway, presented a paper on land release methods that was adopted by the MSP. During the session States Parties with a deadline beyond 2009 were given the opportunity to provide updates on their efforts to clear mine affected areas. Malawi and France reported

completion of their Article 5 clearance obligations. Uganda stated that completion of its Article 5 obligation should be made before its March 2009 deadline. Greece declared that it will be able to clear all its mined areas by 2010, four years before its deadline in 2014. Cambodia and Tajikistan informed the meeting that they will be submitting extension requests in the beginning of 2009.

### ***Victim Assistance***

Cambodia and New Zealand in their capacity as Co-Chairs of the Standing Committee on Victim Assistance and Socio-Economic Reintegration provided an update on the status of implementation of the Convention in relation to victim assistance. Iraq has now joined the group of States Parties which reported responsibility for significant numbers of landmine survivors, which now is being referred to as the VA 26. The majority of the VA 26 reported on the status of implementation of their national programs on victim assistance. Mine survivors from the ICBL delegation urged the VA26 to take concrete actions to ensure that real progress on the ground is made by the 2nd Review Conference and to answer the need for socio-economic inclusion of survivors. They criticized the fact that victim assistance remains seen as a lower priority than stockpile destruction and demining programs.

### ***Other Matters Essential for Achieving the Conventions Aims***

Under the Agenda item “Other Matters Essential for Achieving the Conventions Aims”, the Co-chairs provided updates on Cooperation and Assistance, Transparency and Exchange of Information and Preventing and Suppressing Prohibited Activities and Facilitating Compliance. The ICBL made presentations on international cooperation and assistance, Article 1, and Article 3, but due to time constraints these agenda items were not dealt with in depth. The ICRC called for adequate time to be assigned to discussions on these articles, particularly Article 2 (the definition of anti-personnel mines), with a view to coming to a common agreement at the 2nd Review Conference.

Cambodia and Thailand announced that they were pursuing consultations under Article 8.1 with a view to resolving the dispute over a possible new use of mines along their border. They stated that they will work towards a joint investigation with the participation of third parties, and noted that they may call on the good offices of the 9MSP President if needed.

### **Other decisions taken**

The States Parties decided that the Second Review Conference will be held in Cartagena, Colombia from 30 November to 4 December 2009 under the presidency of Susan Eckey of Norway. The Foreign Minister of Colombia addressed the meeting to lay out Colombia’s goals and expectations for the Review Conference. With funds from the EU, there will be regional meetings to prepare for the conference in Nicaragua (24-26 February 2009), Thailand (1-3 April), Tajikistan (July), Albania (October) and perhaps in South Africa. There will also be preparatory meetings in Geneva on the afternoon of 29 May (after the intersessional Standing Committee meetings, which will take place from 25 May to the morning of 29 May) and 3-4 September. Cambodia expressed interest in hosting and presiding over the 10th MSP in 2010.

Pursuant to consultations undertaken by the Co-Chairs of the Standing Committee on the General Status and Operation of the Convention, the Meeting identified the following States Parties as the Standing Committee Co-Chairs and Co-Rapporteurs until the end of the Second Review Conference:

- Mine Clearance, Mine-Risk Education and Mine-Action Technologies: Argentina and Australia (Co-Chairs); Greece and Nigeria (Co-Rapporteurs)
- Victim Assistance and Socio-Economic Reintegration: Belgium and Thailand (Co-Chairs); Peru and Turkey (Co-Rapporteurs)
- Stockpile Destruction: Italy and Zambia (Co-Chairs); Bulgaria and Indonesia (Co-Rapporteurs)
- General Status and Operation of the Convention: Chile and Japan (Co-Chairs); Ecuador and Slovenia (Co-Rapporteurs)