

Elements for the consideration of the post-Third Review Conference Programme of Meetings – 2014/2019 Working Programme

President-Designate of the Third Review Conference

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1. Background

One of the purposes of the Review Conference is to review the operation and status of the Convention and to consider the need for and interval of meetings of the States Parties. (Art 12.2 a+b).

States meeting at the Third Review Conference in Maputo in 2014, thus have to opportunity to assess, discuss and take decisions on the work programme of the Convention for the period 2014 – 2019. For States this is an opportunity to assess how the current work programme has served its purpose and to identify the needs for the next period and to adjust the organisation of their work accordingly.

2. Objective

The overall objective of such a discussion should be to ensure that the Convention's implementation architecture corresponds to current and actual implementation challenges while maintaining the function as arena for States reporting on progress and compliance, and for other implementation actors to monitor progress and interact with States on how they may meet their obligations.

Furthermore, States need to ensure that the next work programme is adequately supported in terms of planning, coordination and financial resources. Efficiency and effectiveness should therefore guide the States discussions on the work programme.

Mozambique, as incoming President-designate for the Third Review Conference (3RC) aims at facilitating a broad discussion of this issue during the preparations before the Maputo Conference, with the objective of securing a clear and sound decision by States Parties at the 3RC. As a point of departure for such a discussion, this paper suggests some elements to be considered in such a discussion.

3. Current situation

Since 1999, the work programme has consisted of formal and informal meetings. In addition, individual states acting as thematic co-chairs or coordinators have organised several thematic and/or regional meetings. The Implementation Support Unit ISU has been instrumental in coordinating and supporting these meetings.

a. Formal meetings

States Parties have formally met for annual Meetings of the States Parties (MSPs) since entry into force in 1999, as prescribed by Article 11. These have taken place in Geneva and in mine-affected states. In 2004 (Nairobi) and in 2009 (Cartagena) States met instead for the First and Second Review Conferences (Article 12). The Meeting of the States Parties and the Review Conference are the only forums in which States Parties make formal decisions.

b. Informal meetings

States have met informally during the annual Intersessional work programme, which usually have taken place halfway between the MSPs. This informal work programme was established by the First Meeting of the States Parties in 1999, as means to provide necessary support to what was then a fledgling Convention, and to establish an arena for practical discussions on how best to implement the provisions. The annual informal meetings have also functioned as arenas for “mid-term” reporting on progress and for exchanges of lessons learned and best practices. In addition they have been instrumental in facilitating the emergence of mine action as a community of practice and knowledge.

The intersessional programme has been changed several times over the years, as a result of changing needs. Duration of the formal and informal meetings has varied somewhat, but in general they have taken some 8 - 10 working days annually.

c. Other relevant meetings

Throughout a year there are usually several other meetings relevant for the implementing end of the mine action community. Some of these are regularised, such as the UN Mine Action Director meeting, some are thematic, such as the parallel program on Victim Assistance and some are regional, such as mine action workshops in the Balkans or Africa. Some events are initiated and /or organised by Co-chairs, usually supported by the ISU, such as the 2013 Bangkok Symposium on International Cooperation and Assistance.

Costs for these meetings have been met in a variety of ways; host country, organiser, a consortium of States or other actors, and sometimes supported by different sponsorship programs. Common for these meetings is that they promote the Convention and its norms, function as arena for information sharing and thus help promote the overall aims of the Convention.

4. Changes with significance for a future working programme

There have been some developments and changes that have significance for the working programme of the Convention. These are partially due to developments in the international treaty framework relevant for the implementation of the Mine Ban Convention (MBC) and partly owing to changes in the structure and magnitude of the mine problem in the field. By themselves and taken together these developments will have an impact on the needs for the 2014-2019 work programme.

a. Changes in international treaty framework

Since the Second Review Conference, two new treaties that are relevant for the implementation of the MBC have gained importance, namely the Convention on the Rights of Persons with Disabilities (CRPD) and the Convention on Cluster Munitions (CCM).

b. Convention on the Rights of Persons with Disabilities (CRPD)

The CRPD entered into force in 2008. 155 States have signed the Convention, of which 133 are State Parties. The CRPD was in many ways inspired by the victim assistance work under the MBC, and its provisions are aimed at ensuring the rights of persons with disabilities are highly relevant for efforts designed to ensure the rights of mine victims. The CRPD is supported by a working programme of meetings, both annual Conferences of States Parties and by meetings in the Committee on the Rights of Persons with Disabilities.

c. Convention on Cluster Munitions (CCM)

The CCM entered into force in 2010. 113 states have signed the Convention, of which 84 are States Parties. There is a large degree of overlap with membership of the MBC. The CCM is often recognized as the sister Convention of the MBC, and contains similar obligations for States Parties, such as clearance, risk reduction, victim assistance and stockpile destruction. The CCM is supported by annual formal and informal meetings, in a set-up that reflects the work programme of the MBC. Both formal and informal meetings have been shorter than under the MBC.

d. Thematic similarities and coherence challenges

Many actors involved in the implementation of the MBC will also be involved in implementation of either or both the CRPD and the CCM. Many of the themes discussed within each of those Conventions will also be discussed in one or two of the other.

As a result, during a given year, implementation actors may find themselves discussing the same issue several times during a year, with many of the same counterparts, but in the context of different treaties or different status of the meeting (formal/informal). Since the conventions and their subject matter may belong to different parts of the state apparatus or within the UN System (Mine victim assistance may belong to mine action portfolio while assistance to persons with disabilities may be development or human rights portfolios), there is also a risk that representatives of the same actor can have different assessments and views of what is essentially the same question, dependent on in what treaty or thematic context it is being discussed.

5. Changes in implementing mine action

The challenges of implementing mine action, in particular clearance and victim assistance, have changed considerably since the convention was adopted.

Humanitarian mine clearance as an international discipline has developed significantly since the Convention entered into force. Mine clearance has become a highly professionalised sector, underpinned by sophisticated national and international standards, undertaken by a consolidated group of actors like the UN, ICRC, NGOs, private sector and national authorities.

As a result, the challenge of removing mines from the ground has changed from being primarily of technical and operational character to become a question of political will and implementation capacity.

Similarly, but for other reasons, victim assistance is a field that have developed significantly since the work started. Some of these changes, such as definition of disability, are so substantial that one may question whether the “victim assistance” approach as embedded in the practice of the Convention is relevant to meet the needs and ensure the rights of the persons who have been injured and traumatised by landmines.

While there is a continued need for exchange of experiences and development of methods among the experts involved in the various sectors of mine action, many of these discussions has become so specialised that they are less relevant for the majority of participants attending the formal and informal meetings of the convention.

Common for both sectors, as well as for Stockpile Destruction, where relevant, is that the critical implementation challenges are primarily national rather than international. Discussions in both the informal and the formal meetings tend to focus on international and multilateral responses that in many instances are of little relevance as responses to the national challenges.

Over time, this has led to a certain mismatch between what is presented as themes and approaches for general discussion and the audience attending, often resulting in mutual frustration and less effective use of increasingly scarce resources.

6. Compliance challenges

The MBC has had considerable and remarkable success as an international response to what was a global humanitarian crisis. However some critical issues have emerged over the past year; such as the slow progress in mine clearance and questions of compliance and allegations of new use by States Parties. Thus central discussions on implementation have changed in character, from being focussed on how to meet the challenges to a more critical focus on holding States Parties accountable to their legal and political obligations.

As the mine problem takes less prominence in international agenda, the Mine Action community may see an increase in the difficult and sensitive issues regarding compliance, leading to a different tone of discussions than those seen in the first 15 years of implementation.

7. Resources

Implementation support that takes place in the formal and informal work programme is financed from various sources. The costs for the formal Meetings of the States Parties and Review Conferences are shared between participating states, according to the UN scale of assessment. Where such meetings are held outside UN the extra costs are met through voluntary contributions from States.

The costs for the intersessional meetings, including the costs of interpretation, are covered by the GICHD with funds provided by Switzerland.

The sponsorship programme, which support participation from states eligible for such support to both formal and informal meetings, is financed through voluntary contributions from a small group of states.

The ISU provides critical support for the formal and informal meetings. The costs for this are integrated into the ISU budget, which is covered by voluntary contributions by a small group of states.

States need to ensure that decisions made on the future work programme will be matched with adequate resource commitments.

8. A new working programme 2014 – 2019

The elements listed above are among some of the determinants of the relevance and value of the Convention's working programme, and thus should be part of the discussions on how best to meet the needs for the coming implementation period.

The discussion on the work programme must address two levels and subsequently two options. The first level concerns the formal meetings, as it is the purpose of the Review Conference to "Consider

the need for and interval between further meeting of States parties.” (Article 12.2 (b)). The second level concerns the informal working programme. As the intersessional meetings are informal, changes to this programme may be taken by the States Parties at any given time, and is not restricted to the Review Conference. But the Review Conference is a good opportunity to assess its form and relevance.

Following a decision on the formal meetings, States may take a decision on the informal work programme. In essence this is a choice between continuing with the informal work programme more or less as it is or discontinuing the programme in its present form and meet the needs by other means.

Without prejudice to the preferences of States Parties meeting in June 2014, Mozambique would like to take this opportunity to offer a sketch of how the work programme could be structured for the 2014 – 2019 period. The objective is to present a point of departure for the discussions on how to structure the work programme in order to meet current and actual implementation challenges while maintaining the function as an arena for reporting on progress and compliance and for continued development of the partnerships with States, NGOs, UN and ICRC in underpinning the Convention.

a. Formal level – Annual Meeting of the States Parties

Meetings of the States Parties should continue to take place on an annual basis until 2019. The meetings should be geared towards formal reporting on compliance with treaty provisions including substantial discussions and decisions on Article 5 extensions.

Thematic discussions on how to conduct the various pillars of mine action should primarily be organised as side events rather than in the formal meeting. Pre-analysis of incoming Article 5 extension requests would continue as before within the Analysis-group, headed by the President.

To prepare for the formal Meetings of the State Parties, and to promote submission of the annual Article 7 reports in time, the President could convene a brief informal preparatory meeting at the most relevant time between the Meetings of the States Parties.

b. Informal level

The intersessional work programme in its present form, with thematic sessions and comprehensive international participation should be discontinued.

Resources traditionally allocated to support planning, organisation and participation at the intersessional meetings should be made available for supporting relevant regional and thematic meetings, including contributions from and participation of, relevant Co-chairs, the ISU and other relevant implementation actors.

Co-chairs, supported by the ISU, could use findings from such meetings to inform the formal discussions as well as the work of the Coordinating Committee. Co-chairs could also consider participating in meetings of other instruments, when relevant to the subject matter. The Coordinating Committee, assisted by the ISU, should also help to coordinate themes relevant for the MBC and calendars to improve efficiency and avoid duplication.