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First Preparatory Meeting
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Item 8 of the provisional agenda

Nature, Timing and Sequencing of Post-2004 Meetings of the States Parties and Related Matters

Discussion Paper by Germany and Malaysia

Introductory observation

1. Any decision of States Parties on the nature, timing and sequencing of future meetings, and their possible format will depend upon the common understanding of the States Parties of what future work needs to be done with a view to the stipulations and the collective fulfillment of the core humanitarian objectives of the Convention. This will be discussed in the context of the Action Plan, which has yet to be developed. Therefore, this paper cannot and does not intend to draw conclusions or to make recommendations. Its sole intention is to ask some pertinent questions and to contribute some considerations, in order to facilitate the future discussion among States Parties.
2. The Ottawa Convention stipulates that “States Parties shall meet regularly in order to consider any matter with regard to [its] application and implementation” (Article 11[1]). In accordance with Article 11(2), such meetings were held annually during the first four years (until 2003) after the Convention had entered into force. The Convention tasks the First Review Conference, to be held in Nairobi in 2004, “to consider the need for and the interval between future Meetings of the States Parties” (Article 12[2][b]).
3. The Convention does *not* explicitly task the First Review Conference to decide on the need for or a date of a Second Review Conference or on the nature of an intersessional work programme. Both topics are, however, closely related to the sequencing of post-2004 Meetings of States Parties, the States Parties might at the First Review Conference wish to take decisions on these matters as well.
4. According to Article 12 of the Convention, a Review Conference shall be convened at the request of one or more States Parties, provided that the interval between Review Conferences is no less than five years. The threshold for convening such a meeting is low, as not even a decision

by a Meeting of the States Parties is required. The First Review Conference is free to decide whether or not to convene a Second Review Conference; it is also free to decide on the date as long as it is not before 2009.

5. Meetings of States Parties and the intersessional work programme are mutually reinforcing, as both have attributes which the other forum does not possess: Meetings of States Parties are entitled—hereby applying the Rules of Procedure—to consider any matter with regard to the application and implementation of the Convention. The intersessional work programme is a consultative forum, providing a less strictly regulated framework for thematical deliberations, *inter alia* between government and civil society representatives.

6. As already mentioned, decisions on both future formal and informal meetings are directly interrelated with the Action Plan to be adopted by the First Review Conference and will thus be rooted in considerations of the actual needs that will exist. Therefore, any analysis presented hereinafter has to be re-viewed in light of the future Action Plan and, to the extent feasible, on the Review on which the Action Plan will be founded.

7. The following questions may be asked when taking decisions on the nature, timing and sequencing of future meetings of States Parties and of the Standing Committees:

- What will be the decision's probable impact on the fulfillment of the Convention's core humanitarian tasks as well as the needs to facilitate, achieve and warrant mine clearance, stockpile destruction, victim assistance and universalization?
- What might be the probable consequences as regards to resource mobilization, exchange of information, clarification of compliance, and costs?

a. Mine clearance:

States Parties may wish to take into consideration that a Meeting of States Parties or a Review Conference can, other than an informal intersessional meeting, by majority vote and at the request of a State Party, extend the ten year destruction period.

b. Stockpile destruction:

States Parties may also wish to provide for sufficient opportunities—in the meetings of the relevant Standing Committees as well as in the meetings of States Parties—to discuss means of facilitating solutions for stockpile destruction.

c. Victim assistance:

Strictly speaking, neither formal nor informal meetings of States Parties are required to provide victim assistance. With regard to future meetings, States Parties may ask

- What kind of meetings may best serve as a valuable forum to exchange respective information?
- How do they best contribute to raising public awareness of the issue?

d. Universalization:

How can Meetings of States Parties as well as the Intersessional Work Programme contribute to raising public awareness of the Convention's objectives?

e. Resource mobilization:

The same might be asked with regard to resource mobilization as a heightened public awareness presumably entails greater disposition to allocate resources on the respective issue.

f. Information exchange:

How do both Meetings of the States Parties and the Intersessional Work Programme best serve as means to exchange information and to highlight the importance of the Convention's transparency reporting obligations?

g. Clarification of compliance:

- While meetings of States Parties are entitled, pursuant to Article 11(1)(e), to consider submissions of States Parties under Article 8 on the facilitation and clarification of compliance,

- an ongoing informal dialogue on compliance might suitably be maintained in the intersessional work programme.

8. A decision on the sequence of the meetings of States Parties and of the Standing Committees might consider different options as set out in the Annex below. Relevant questions to be asked in this context are also

- Duration of the meetings of States Parties and of the Standing Committees?
- Venue of the Meetings so as to ensure the highest impact on the public and on the political decision makers?

9. The existing structure of Standing Committees seems to serve its purpose well. However, when contemplating the frequency and nature of future meetings vis-a-vis the needs and work according to the future Action Plan, States Parties may also wish to take into account the objective of involving as many actors as possible, and the Standing Committees' "ownership" of mine-affected and non-mine-affected countries. It might also be advisable regularly to review the respective roles of the Coordinating Committee and the Implementation Support Unit.

Annex

POSSIBLE OPTIONS FOR MEETINGS OF STATES PARTIES AND FOR THE STANDING COMMITTEES

Option 1—*To extend the solution entailed in, and experienced with, Article 11(2)*

This option would be building on an approved format for the annual meetings of States Parties and the meeting of the Standing Committees.

If not held in Geneva, States Parties would have to continue volunteering as venues for the meetings of States Parties. Presumably, the overall costs for this option would be moderately lower than the costs entailed by the present conference mechanism.

Exhibit 1

Solution extending the rationale behind Article 11(2)

2005	Spring Intersessional	Fall Sixth Meeting of States Parties
2006	Spring Intersessional	Fall Seventh Meeting of States Parties
2007	Spring Intersessional	Fall Eighth Meeting of States Parties
2008	Spring Intersessional	Fall Ninth Meeting of States Parties
2009	Spring Intersessional	Fall Second Review Conference

Option 2—*To hold biennial meetings of States Parties while filling the gaps with meetings of the Standing Committees*

With a greater number of intersessionals to be held in Geneva and a lower number of meetings of States Parties—whether or not held in Geneva—, the overall costs for this option might be lower than for option 1.

Exhibit 2

Solution expanding the periodicity of meetings of States Parties while assigning vacated time modules to intersessionals

2005	Spring Intersessional	Fall Intersessional
2006	Spring Intersessional	Fall Sixth Meeting of States Parties
2007	Spring Intersessional	Fall Intersessional
2008	Spring Intersessional	Fall Seventh Meeting of States Parties
2009	Spring Intersessional	Fall Second Review Conference

Option 3—*To interweave biennial full-range meetings of States Parties with biennial meetings of mixed character*

This option is a probably more costly variant than option 2 for the reason that it necessitates a more complex organization.

Exhibit 3

Solution staggering abridged and full-range meetings of States Parties

2005	Spring Intersessional	Fall Intersessional / Abridged Meeting of States Parties
2006	Spring Intersessional	Fall Full-range Meeting of States Parties
2007	Spring Intersessional	Fall Intersessional / Abridged Meeting of States Parties
2008	Spring Intersessional	Fall Full-range Meeting of States Parties
2009	Spring Intersessional	Fall Second Review Conference

Option 4—*To interweave biannual meetings of States Parties with annual intersessional work programmes*

This option would be cost-effective due to the reduced number of meetings. It leaves open, if States Parties have the opportunity to volunteer as venues for those conferences combining intersessionals with meetings of States Parties

Exhibit 4

Solution expanding the periodicity of meetings of States Parties

2005	Spring or fall Intersessional
2006	Spring or fall Intersessional / Sixth Meeting of States Parties
2007	Spring or fall Intersessional
2008	Spring or fall Intersessional / Seventh Meeting of States Parties
2009	Spring or fall Second Review Conference