
**Meeting of the States Parties to the Convention
on the Prohibition of the Use, Stockpiling,
Production and Transfer of Anti-Personnel
Mines and on Their Destruction**

26 November 2012

Original: English

Twelfth Meeting

Geneva, 3-7 December 2012

Item 10 (b) (ii) of provisional agenda

**Consideration of the general status and
operation of the Convention Developing a
“rational response” to mined areas discovered
after original or extended deadlines
to implement Article 5 have expired**

**Proposed rational response to States Parties discovering
previously unknown mined areas after deadlines have passed**

**Submitted by Co-Chairs of the Standing Committee on Mine Clearance
(Indonesia and Zambia)***

Background

1. The Eleventh Meeting of the States Parties (11MSP) noted that the Convention is silent on how to address situations where States Parties discover previously unknown mined areas after deadlines have passed. The Meeting further noted “a need to develop a rational response to such situations which is firmly anchored in the object and purpose of the Convention and which does not undermine the legal obligations to destroy all anti-personnel mines in mined areas as soon as possible.” The 11MSP “requested that the President, supported by the Coordinating Committee, consult with all relevant stakeholders to prepare a constructive discussion on this matter at the May 2012 meetings of the Standing Committees with a view to recommendations on this matter being submitted for consideration (at) the Twelfth Meeting of the States Parties.”

2. At the request of the President, the Co-Chairs of the Standing Committee on Mine Clearance took the lead on this matter, engaged the Coordinating Committee and other actors, and provided an opportunity for a constructive discussion at the 22 May 2012 meeting of the Standing Committee. Following this meeting, the Co-Chairs continued consultations with interested actors. It was made clear by all involved that while a rational response is required, such a response cannot be, nor cannot be seen to be, an amendment to the Convention. Given this, the Co-Chairs wish to propose to the States Parties the following commitments that they could take in the extraordinary instances when previously unknown mined areas are discovered after deadlines have passed.

* Document submitted late after the established deadline.

Suggested rational response

3. ...the States Parties made the following commitments:

(a) If after its original or extended deadline to implement Article 5 has expired, a State Party, as an exceptional circumstance, discovers a mined area (as defined by Article 2.5 of the Convention), including a newly mined area, under its jurisdiction or control that is known or suspected to contain anti-personnel mines, the State Party should immediately inform all States Parties of such a discovery and shall undertake to destroy or ensure the destruction of all anti-personnel mines in the mined area as soon as possible.

(b) If the State Party believes that it will be unable to destroy or ensure the destruction of all anti-personnel mines in the mined area before the next Meeting of the States Parties or Review Conference (whichever falls earlier), it should submit a request for an extended deadline, which should be as short as possible and no more than ten years, either to that Meeting or Review Conference if the timing of the discovery permits or to the next Meeting of the States Parties or Review Conference if the timing of the discovery does not permit, in accordance with the obligations enshrined in Article 5 and the process for submission of requests for extensions agreed to at the Seventh Meeting of the States Parties. Requests submitted should be analysed also in accordance with the process agreed to at the Seventh Meeting of the States Parties and commonly practiced since 2008, and decided upon in accordance with Article 5.

(c) States Parties concerned by this decision shall continue to fulfil their reporting obligations under Article 7 of the Convention, including the obligation to report on the location of all mined areas that contain or are suspected to contain anti-personnel mines under their jurisdiction or control and on the status of programs for their destruction. Each State Party should also continue to provide updates relative to these and other commitments at meetings of the Standing Committees, Meetings of the States Parties and Review Conferences.
