

Some initial reflections on ways to prepare for the First Review Conference

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Introduction:

While the First Review Conference, **29th November to 3rd of December 2004** in Nairobi, Kenya, will not be convened for over 13 months, work must commence as soon as possible on the formal preparations for this important event. The purpose of this paper is to suggest some thoughts for these preparations. Particular consideration is given to:

- (a) the opportunities in Article 12 to **define the purpose** of our Review Conference more precisely; and,
- (b) to ensure that a **wide range of actors** can be engaged in the process to prepare for the Review Conference.

1. Defining opportunities:

Article 12 of the Convention states the purpose of a Review Conference. While two of the four elements listed are precise, the other two require our consideration in order to determine with greater exactitude what it is we wish to accomplish at the Review Conference. The following are some thoughts on all four elements contained in Article 12 of the purpose of the Review Conference:

*1.1 To **review** the operation and status of this Convention*

We should consider what we mean by a “review” of the “operation and status” of the Convention. This could be a fairly detailed undertaking given that the Convention contains not only a prohibition on a particular weapon, but also a set of obligations related to the fulfillment of the Convention’s main aims. Some guidance may be provided by the emphasis that the States Parties have placed on the Convention’s four core humanitarian aims: clearing mined areas, assisting victims, destroying stockpiles and universalizing the Convention. Assessing progress in these four areas, as well as on other matters such as progress in mobilizing resources, exchanging information, and taking all appropriate legal, administrative and other measures to prevent and suppress prohibited activities, may provide us with a means to structure a **comprehensive review**.

However, using this element of the purpose of the Review Conference for merely retrospective means would deny us the opportunity to learn from the past in order to chart a course for the next five-year period of implementation. A review of the operation and status of the Convention should be comprehensive, but so too should be a **plan of action** that would highlight, in concrete terms, the actions that we must take to overcome the challenges that lie before us.

*1.2 To adopt, if necessary, **conclusions** related to the implementation of this Convention*

The States Parties may also wish to consider **conclusions or comments** regarding particular Articles of the Convention (e.g., on interpretation). This would be done in a somewhat different manner and with a different focus than the comprehensive review and the plan of action. Unlike with other Conventions, there certainly would not be a need to comment on every Article of this Convention. The Preparatory Process, however, should culminate in a clear sense of those Articles from which the States Parties would like and are in a position to draw a conclusion.

Another type of outcome that the States Parties may wish to consider is the adoption of a **high-level declaration**. Such a document could provide a focus for the participation in the Review Conference by high-level representatives.

*1.3 To consider the need for and the interval between **further Meetings** of the States Parties*

The Convention is precise in tasking Review Conferences to determine the need for and interval between further Meetings of the States Parties. In addition, however, the States Parties may wish to consider the format of future Meetings of the States Parties and the date and location of a potential Sixth Meeting of the States Parties. As well, the States Parties concurrently should give consideration to matters pertaining to a future intersessional work programme and the role of the Coordinating Committee, taking into consideration the needs that will exist post-2004. Finally, consideration should be given to the year when a Second Review Conference shall be convened.

*1.4 To take decisions on submissions of States Parties as provided for in **Article 5***

At the Review Conference decisions can be taken on the submissions of States Parties requesting extensions of their deadlines for fulfilling Article 5 responsibilities. This relates mainly to “ (...) destroy or ensure the destruction of all anti-personnel mines in mined areas under its jurisdiction or control, as soon as possible but not later than ten years after the entry into force (...)”. Given that the First Review Conference will take place only five years after the entry into force of the Convention, it is not expected that any State Party would consider the need such for a request at this early stage.

2. Engaging a wide range of actors:

The work of the Convention has benefited greatly from the rich participation of a large number of States Parties during the past four years. More than thirty States Parties have accepted responsibilities as Presidents, Co-Chairs or Co-Rapporteurs and/or have taken the initiative on a voluntary basis to ensure the effective implementation of the Convention. We should benefit from a similar wide-spread participation in the preparatory process and at the Review Conference itself.

Co-Chairs of Standing Committees with their unique perspectives on various aspects of implementation, should be encouraged to submit working papers, for Preparatory Meetings.

Such Working Papers could address a wide-range of matters related to:

- a review of the Convention;
- an action plan; and,
- conclusions on various Articles.

To take advantage of the expertise acquired by previous Co-Chairs, current Co-Chairs could work with their predecessors on various topics. Given the informal nature of the Intersessional Work Programme, these contributions would be provided in their personal/national capacities and not as part of the work of Standing Committees. In addition, all other States Parties and all other interested parties should feel free to submit working papers and to comment at Preparatory Meetings on those papers submitted.

To promote active participation in preparatory work, the President-designate could appoint Friends of the President, who would be responsible to the President for facilitating efforts to channel the wide-range of inputs towards the **development of concrete draft documents** for consideration at the Review Conference. For example:

- a draft review and draft action plan,
- a draft set of conclusions and comments on various Articles of the Convention, and
- draft decisions related to future Meetings of the States Parties and a post-2004 Intersessional Work Programme.

3. Considering the nature and form of the Review Conference and its outcomes:

The States Parties should also use their first available opportunity – the 13 February 2004 Preparatory Meeting – to discuss the nature and form of the Review Conference. In this regard, the President-designate should ensure that a draft agenda, programme and rules of procedure are presented to the States Parties in advance of the February meeting. In addition, the Secretary-General-designate should lead a planning mission to Nairobi well in advance of the February meeting to ensure that the United Nations has sufficient time to prepare cost estimates for the Review Conference for discussion in February.

States Parties should also discuss the nature and form of the prospective outcomes of the Review Conference. As alluded to by this paper, one possible scenario could see the States Parties adopt a final report, within which they would take decisions related to five main substantive documents, which in turn would be the products of input provided by working papers, discussions at Preparatory Meetings and informal consultations.

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A framework for the nature and form of Review Conference documents

