

ENDING THE SUFFERING CAUSED BY ANTI-PERSONNEL MINES: THE NAIROBI ACTION PLAN 2005-2009

Part III of the Final Report of the
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First Review Conference



'ending the suffering caused
by anti-personnel mines'
ap mine ban convention

Introduction

1. *Having reaffirmed their unqualified commitment to the full and effective promotion and implementation of the Convention, the States Parties are determined, in full cooperation with all concerned partners:*

- (i) **to secure the achievements to date;**
- (ii) **to sustain and strengthen the effectiveness of their cooperation under the Convention; and**
- (iii) **to spare no effort to meet our challenges ahead in universalizing the Convention, destroying stockpiled anti-personnel mines, clearing mined areas and assisting victims.**

To these ends they will over the next five years pursue a plan of action guided by the strategies set out below. In so doing, they intend to achieve major progress towards ending, for all people and for all time, the suffering caused by anti-personnel mines.

I. Universalizing the Convention

2. Committed by the Convention “to work strenuously towards the promotion of its universalization in all relevant fora,” the States Parties have made this a core task of their collective endeavours these past five years. In that short time, almost 75 per cent of the world’s States have joined, proving their commitment and capacity to fulfil national security responsibilities without anti-personnel mines, establishing a global framework for effective mine action assistance and cooperation, and demonstrating the significant benefits of joining this common effort. But the only guarantee that the significant disarmament and humanitarian advances to date will endure, and that a world free of anti-personnel mines will be ultimately realized, will lie in the achievement of universal adherence to the Convention and implementation of its comprehensive ban. **Consequently, for the period 2005 to 2009, universal adherence will remain an important object of cooperation among States Parties.** To this end:

All States Parties will:

- Action #1: Call on those States that have not yet done so, to accede to the Convention as soon as possible.**
- Action #2: Persistently encourage those signatories of the Convention that have not yet done so to ratify it as soon as possible.**
- Action #3: Attach priority to effectively addressing universalization challenges presented by States not parties, and in particular those that continue to use, produce, or possess large stockpiles of anti-personnel mines, or otherwise warrant special concern for humanitarian reasons, or by virtue of their military or political attention or other reason.**
- Action #4: Accord particular importance to promoting adherence in regions where the level of acceptance of the Convention remains low, strengthening universalization efforts in the**

Middle East and Asia, and amongst the members of the Commonwealth of Independent States, with States Parties within these regions playing a key role in such efforts.

- Action #5:** **Seize every appropriate opportunity to promote adherence to the Convention** in bilateral contacts, military-to-military dialogue, peace processes, national parliaments, and the media, including by encouraging States not parties to abide by its provisions pending their adherence to the Convention.
- Action #6:** **Actively promote adherence to the Convention in all relevant multilateral fora**, including the UN Security Council, UN General Assembly, assemblies of regional organizations and relevant disarmament bodies.
- Action #7:** **Continue promoting universal observance of the Convention's norms**, by condemning, and taking appropriate steps to end the use, stockpiling, production and transfer of anti-personnel mines by armed non-state actors.
- Action #8:** **Encourage and support involvement and active cooperation in these universalization efforts by all relevant partners**, including the United Nations and the UN Secretary General, other international institutions and regional organizations, the International Committee of the Red Cross (ICRC), the International Campaign to Ban Landmines (ICBL) and other non-governmental organizations, parliamentarians and interested citizens.

II. Destroying Stockpiled Anti-personnel mines

3. Article 4 of the Convention requires all States Parties to destroy stockpiled anti-personnel mines as soon as possible, but not later than four years after assuming their Convention obligations. With more than 37 million mines destroyed and the destruction process completed for all whose deadline has passed, the Convention's record of compliance to date has been impressive. **The States Parties are resolved to sustain such progress in meeting the Convention's humanitarian aims and disarmament goal during the 2005-2009 period, ensuring the expeditious and timely destruction of all stockpiled anti-personnel mines under their or jurisdiction or control.** To this end:

The 16 State Parties yet to complete their destruction programmes will:

- Action #9:** **Establish the type, quantity and, if possible, lot numbers of all stockpiled anti-personnel mines owned or possessed**, and report this information as required by Article 7.
- Action #10:** **Establish appropriate national and local capacities** to meet their Article 4 obligations.
- Action #11:** **Strive to complete their destruction programmes if possible in advance** of their four-year deadlines.
- Action #12:** **Make their problems, plans progress and priorities for assistance** known in a timely manner to States Parties and relevant organisations and disclose their own contributions to their programmes in situations where financial, technical or other assistance is required to meet stockpile destruction obligations.

States Parties in a position to do so will:

- Action #13:** **Act upon their obligations under Article 6 (5) to promptly assist States Parties with clearly demonstrated needs** for external support for stockpile destruction, responding to priorities for assistance as articulated by those States Parties in need.
- Action #14:** **Support** the investigation and further development of technical solutions to overcome the particular challenges associated with **destroying PFM mines**.

All States Parties will:

- Action #15:** When **previously unknown stockpiles** are discovered after stockpile destruction deadlines have passed, report such discoveries in accordance with their obligations under Article 7,

take advantage of other informal means to share such information and destroy these mines as a matter of urgent priority.

Action #16: Enhance or develop effective responses, including regional and sub regional responses, to meet requirements for technical, material and financial assistance for stockpile destruction and invite the cooperation of relevant regional and technical organizations in this regard.

III. Clearing Mined Areas

4. Article 5 of the Convention requires each State Party to ensure the destruction of all anti-personnel mines in mined areas under its jurisdiction or control as soon as possible but not later than 10 years after the entry into force of the Convention for that State Party. 2004 is the midpoint between the Convention's entry into force and the first mine-clearance deadlines. **Successfully meeting these deadlines will be the most significant challenge to be addressed in the coming five years and will require intensive efforts by mine-affected States Parties and those in a position to assist them.** The speed and manner with which it is pursued will have crucial implications for human security - the safety and well-being of affected individuals and communities.

The States Parties will therefore:

Action #17: Intensify and accelerate efforts to ensure the most effective and most expeditious possible fulfilment of Article 5 (1) mine clearance obligations in the period 2005-2009.

The 49 States Parties that have reported mined areas under their jurisdiction or control, where they have not yet done so, will do their utmost to:

Action #18: Urgently identify all areas under their jurisdiction or control in which anti-personnel mines are known or are suspected to be emplaced, as required by Article 5 (2) and report this information as required by Article 7.

Action #19: Urgently develop and implement national plans, using a process that involves, where relevant, local actors and mine-affected communities, emphasizing the clearance of high and medium impact areas as a matter of priority, and ensuring that task selection, prioritisation and planning of mine clearance where relevant are undertaken in mine-affected communities.

Action #20: Significantly reduce risks to populations and hence reduce the number of new mine victims, hence leading us closer to the aim of zero new victims, including by prioritising clearance of areas with highest human impact, providing mine risk education and by increasing efforts to perimeter-mark, monitor and protect mined areas awaiting clearance in order to ensure the effective exclusion by civilians, as required by Article 5 (2).

Action #21: Ensure that mine risk education programmes are made available in all communities at risk to prevent mine incidents and save lives, promote mutual understanding and reconciliation, and improve mine action planning, integrating such programmes into education systems and broader relief and development activities, taking into consideration age, gender, social, economic, political and geographical factors, and ensuring consistency with relevant International Mine Action Standards, as well as national mine action standards.

Action #22: Make their problems, plans, progress and priorities for assistance known to other States Parties, the United Nations, regional organizations, the ICRC and specialized non-governmental organisations, the Implementation Support Unit at the Geneva International Centre for Humanitarian Demining (GICHD) and other organizations, while specifying what resources they themselves have contributed to fulfil their Article 5 obligations.

States Parties in a position to do so will:

Action #23: Act upon their obligations under Article 6 (3) and 6 (4) to promptly assist States Parties with clearly demonstrated needs for external support for mine clearance and mine risk education, responding to the priorities for assistance as articulated by the mine-affected

States Parties themselves and ensuring the continuity and sustainability of resource commitments.

All States Parties will:

- Action #24: Ensure and increase the effectiveness and efficiency of their efforts in all of the above-mentioned areas**, involving all relevant actors in mine action coordination, ensuring that coordination exists at the local level and involves mine clearance operators and affected communities, making the best possible use of and adapting to national circumstances information management tools, such as the Information Management System for Mine Action, and using the International Mine Action Standards as a frame of reference to establish national standards and operational procedures in order to be of benefit to national authorities in meeting their obligations under Article 5.
- Action #25: Strengthen efforts to enable mine-affected States Parties to participate in the fullest possible exchange of equipment, material and scientific and technological information** concerning the implementation of the Convention, in accordance with Article 6 (2) and to further close the gap between end users of technology and those developing it.
- Action #26: Share information on – and further develop and advance – mine clearance techniques, technologies and procedures**, and, while work proceeds on developing new technologies, seek to ensure an adequate supply and most efficient use of existing technologies, particularly mechanical clearance assets and biosensors, including mine detection dogs.
- Action #27: Strive to ensure that few, if any, States Parties will feel compelled to request an extension** in accordance with the procedure set out in Article 5, paragraphs 3-6 of the Convention.
- Action #28: Monitor and actively promote the achievement of mine clearance goals and the identification of assistance needs**, continuing to make full use of Article 7 reporting, Meetings of the States Parties, the Intersessional Work Programme and regional meetings as fora for mine-affected States Parties to present their problems, plans, progress and priorities for assistance.

IV. Assisting the Victims

5. Article 6 (3) of the Convention calls for States Parties to provide assistance for the care rehabilitation and reintegration of mine victims. This constitutes a vital promise for hundreds of thousands of mine victims around the world, as well as for their families and communities. Keeping this promise is a crucial responsibility of all States Parties, though first and foremost of those whose citizens suffer the tragedy of mine incidents. This is especially the case for those 23 States Parties where there are vast numbers of victims. These States Parties have the greatest responsibility to act, but also the greatest needs and expectations for assistance. Recognizing the obligation of all States Parties to assist mine victims and the crucial role played by international and regional organisations, the ICRC, non-governmental and other organisations, **the States Parties will enhance the care, rehabilitation and reintegration efforts during the period 2005-2009 by undertaking the following actions:**

States Parties, particularly those 23 with the greatest numbers of mine victims, will do their utmost to:

- Action #29: Establish and enhance health-care services needed to respond to immediate and ongoing medical needs of mine victims**, increasing the number of healthcare workers and other service providers in mine-affected areas trained for emergency response to landmine and other traumatic injuries, ensuring an adequate number of trained trauma surgeons and nurses to meet the need, improving health-care infrastructure and ensuring that facilities have the equipment, supplies and medicines necessary to meet basic standards.
- Action #30: Increase national physical rehabilitation capacity** to ensure effective provision of physical rehabilitation services that are preconditions to full recovery and reintegration of mine victims by: developing and pursuing the goals of a multi-sector rehabilitation plan;

providing access to services in mine-affected communities; increasing the number of trained rehabilitation specialists most needed by mine victims and victims of other traumatic injuries engaging all relevant actors to ensure effective coordination in advancing the quality of care and increasing the numbers of individuals assisted; and, further encouraging specialized organizations to continue to develop guidelines for the implementation of prosthetics and orthopaedic programmes.

- Action #31: Develop capacities to meet the psychological and social support needs of mine victims**, sharing best practices with a view to achieving high standards of treatment and support on a par with those for physical rehabilitation, and engaging and empowering all relevant actors – including mine victims and their families and communities.
- Action #32: Actively support the socio-economic reintegration of mine victims**, including providing education and vocational training and developing sustainable economic activities and employment opportunities in mine-affected communities, integrating such efforts in the broader context of economic development, and striving to ensure significant increases of economically reintegrated mine victims.
- Action #33: Ensure that national legal and policy frameworks effectively address the needs and fundamental human rights of mine victims**, establishing as soon as possible, such legislation and policies and assuring effective rehabilitation and socio-economic reintegration services for all persons with disabilities.
- Action #34: Develop or enhance national mine victim data collection capacities** to ensure better understanding of the breadth of the victim assistance challenge they face and progress in overcoming it, seeking as soon as possible to integrate such capacities into existing health information systems and ensuring full access to information to support the needs of programme planners and resource mobilisation.
- Action #35: Ensure that, in all victim assistance efforts, emphasis is given to age and gender considerations** and to mine victims who are subject to multiple forms of discrimination in all victim assistance efforts.

States Parties in a position to do so will:

- Action #36: Act upon their obligation under Article 6 (3) to promptly assist those States Parties with clearly demonstrated needs for external support** for care, rehabilitation and reintegration of mine victims, responding to priorities for assistance as articulated by those States Parties in need and ensuring continuity and sustainability of resource commitments.

All States Parties, working together in the framework of the Convention's Intersessional Work Programme, relevant regional meetings and national contexts will:

- Action #37: Monitor and promote progress in the achievement of victim assistance goals** in the 2005-2009 period, affording concerned States Parties the opportunity to present their problems, plans, progress and priorities for assistance and encouraging States Parties in a position to do so to report through existing data collection systems on how they are responding to such needs.
- Action #38: Ensure effective integration of mine victims in the work of the Convention**, inter alia, by encouraging States Parties and organizations to include victims on their delegations.
- Action #39: Ensure an effective contribution in all relevant deliberations** by health, rehabilitation and social services professionals and officials inter alia by encouraging States Parties -- particularly those with the greatest number of mine victims -- and relevant organizations to include such individuals on their delegations.

V. Other matters essential for achieving the Convention's aims

A. Cooperation and Assistance

6. While individual States Parties are responsible for implementing the Convention's obligations in areas within their jurisdiction or control, its cooperation and assistance provisions afford the essential framework within which those responsibilities can be fulfilled and shared goals can be advanced. In this context between 1997 and 2004, more than US\$2.2 billion was generated for activities consistent with the Convention's aims. **The States Parties recognize that fulfilling their obligations during the period 2005-2009 and effectively pursuing the actions and strategies set out herein will require substantial political, financial and material commitments.** To this end:

The States Parties that have reported mined areas under their jurisdiction or control and those with the greatest numbers of mine victims will:

Action #40: Ensure that clearing mined areas and assisting victims are identified as priorities, wherever this is relevant, in national, sub-national and sector development plans and programmes, Poverty Reduction Strategy Papers (PRSPs), UN Development Assistance Frameworks, and other appropriate mechanisms, thus reinforcing national commitment and increasing ownership in fulfilling Convention obligations.

Action #41: Ensure that the activities of the UN, national and international non-governmental organizations and other actors, where relevant, **are incorporated into national mine action planning frameworks and are consistent with national priorities.**

Action #42: Call on relevant actors for cooperation to improve national and international policies and development strategies, enhance effectiveness in mine action, reduce the need to rely on international personnel and ensure that assistance in mine action is based on adequate surveys, needs analysis and cost effective approaches.

Action #43: Promote technical cooperation, information exchange and other mutual assistance to take advantage of the rich resource of knowledge and expertise acquired in the course of fulfilling their obligations.

States Parties in a position to do so will:

Action #44: Fulfil their obligations under Article 6 by promptly responding to calls for support from those States Parties in need and with a particular view to the first mine clearance deadlines occurring in 2009.

Action #45: Ensure the sustainability of their commitments through means such as integrating as appropriate mine action into broader humanitarian and / or development assistance programmes, providing where possible multi-year funding to facilitate long-term planning of mine action and victim assistance programmes, paying particular attention to the specific needs and circumstances of the least developed States Parties, and ensuring that mine action remains a high priority.

Action #46: Continue to support, as appropriate, mine action to assist affected populations in areas under the control of armed non-state actors, particularly in areas under the control of actors which have agreed to abide by the Convention's norms.

All States Parties will:

Action #47: Encourage the international development community – including national development cooperation agencies where possible and as appropriate – **to play a significantly expanded role in mine action,** recognising that mine action for many States Parties is fundamental to the advancement of the UN Millennium Development Goals.

Action #48: Use, where relevant, their participation in decision making bodies of relevant organizations to urge the UN and regional organizations and the World Bank and

regional development banks and financial institutions to support States Parties requiring assistance in fulfilling the Convention's obligations, inter alia by calling for the integration of mine action into the UN Consolidated Appeals Process and for the World Bank and regional development banks and financial institutions to make States Parties aware of opportunities for loans and grants.

Action #49: Develop and strengthen means to enhance cooperation at the regional level to implement the Convention and to effectively use and share resources, technology and expertise, engage the cooperation of regional organizations, and promote synergies between different regions.

Action #50: Pursue efforts to identify new and non-traditional sources of support, be they technical, material or financial, for activities to implement the Convention.

B. Transparency and Exchange of Information

7. Transparency and the open exchange of information have been essential pillars on which the Convention's practices, procedures and tradition of partnership have been built, through both formal means and informal means. These qualities and arrangements have in turn constituted an essential part of the foundation on which the Convention's significant disarmament and humanitarian gains have been achieved. **The States Parties recognize that transparency and effective information exchange will be equally crucial to fulfilling their obligations during the period 2005-2009 and to effectively pursuing the actions and strategies set out herein.** To this end:

All States Parties will:

Action #51: Urge the 5 States Parties that have not yet done so to fulfil their obligation to provide initial transparency reports under Article 7 without further delay, and request that the UN Secretary-General, as the recipient of these reports, call upon these States Parties to provide their reports.

Action #52: Fulfil their obligations to annually update Article 7 transparency reports and maximise reporting as a tool to assist in implementation, particularly in cases where States Parties must still destroy stockpiled mines, clear mined areas, assist mine victims or take legal or other measures referred to in Article 9.

Action #53: Take full advantage of the flexibility of the Article 7 reporting process, including through the reporting format's "Form J" to provide information on matters not specifically required but which may assist in the implementation process and in resource mobilization, such as information on mine victim assistance efforts and needs.

Action #54: In situations where States Parties have retained mines in accordance with the exceptions in Article 3, provide information on the plans requiring the retention of mines for the development of and training in mine detection, mine clearance, or mine destruction techniques and report on the actual use of retained mines and the results of such use.

Action #55: Exchange views and share their experiences in a cooperative and informal manner on the practical implementation of the various provisions of the Convention, including Articles 1, 2 and 3, to continue to promote effective and consistent application of these provisions.

Action #56: Continue to encourage the invaluable contribution to the work of the Convention by the ICBL, the ICRC, the United Nations, the GICHD, and regional and other organizations.

Action #57: Encourage States not parties, particularly those that have professed support for the object and purpose of the Convention, to provide voluntary transparency reports and to participate in the work of the Convention.

Action #58: Encourage individual States Parties, regional or other organizations to arrange on a voluntary basis regional and thematic conferences and workshops to advance the implementation of the Convention.

C. Preventing and Suppressing Prohibited Activities, and Facilitating Compliance

8. Primary responsibility for ensuring compliance with the Convention rests with each State Party and Article 9 of the Convention accordingly requires each party to take all appropriate legal, administrative and other measures, including the imposition of penal sanctions, to prevent and suppress prohibited activities by persons or on territory under its jurisdiction and control. In addition, the States Parties are aware that the Convention contains a variety of collective means to facilitate and clarify questions related to compliance in accordance with Article 8. During the period 2005-2009, **the States Parties will continue to be guided by the knowledge that individually and collectively they are responsible for ensuring compliance with the Convention.** To this end:

States Parties that have not yet done so will:

Action #59: Develop and adopt legislative, administrative and other measures in accordance with Article 9 as soon as possible to fulfil their obligations under this Article thereby contributing to full compliance with the Convention report annually on progress as required by Article 7.

Action #60: Make their needs known to the ICRC or other relevant actors in instances when assistance is required to develop implementing legislation.

Action #61: Integrate the Convention's prohibitions and requirements into their military doctrine as soon as possible.

States Parties that have applied their legislation, through the prosecution and punishment of individuals engaged in activities prohibited by the Convention, will:

Action #62: Share information on the application of implementing legislation through means such as Article 7 reports and the Intersessional Work Programme.

All States Parties will:

Action #63: In instances when serious concerns about non-compliance cannot be resolved through measures adopted pursuant to Article 9, **seek clarification in a cooperative spirit in accordance with Article 8**, and call upon the UN Secretary-General to undertake the tasks foreseen in Article 8 as required.

Action #64: In instances when armed non-state actors are operating in areas under States Parties' jurisdiction or control, **make it clear that armed non-state actors are required to comply with the provisions of the Convention** and that they will be called to account for violations of the Convention in accordance with measures taken under Article 9.

D. Implementation Support

9. The effective functioning and full implementation of the Convention has been enhanced through the structures and mechanisms that exist in the Convention, that have been established pursuant to the decisions of the States Parties or that have emerged on an informal basis. **The States Parties' implementation mechanisms will remain important during the period 2005-2009, particularly as key means to implement the Nairobi Action Plan, and in this regard the States Parties are committed to supporting them.** To this end:

All States Parties will:

Action #65: Support the efforts of the Coordinating Committee to ensure effective and transparent preparation of meetings.

Action #66: Continue to make use of the valuable support provided for by the GICHD in hosting the meetings of the Standing Committees, through the Implementation Support Unit, and by administering the Sponsorship Programme.

Action #67: Continue to provide on a voluntary basis, in accordance with their agreement with the GICHD, the necessary financial resources for the operation of the Implementation Support Unit.

Action #68: Continue to reaffirm the valuable role of the United Nations for providing support to Meetings of the States Parties.

Action #69: Continue to utilize informal mechanisms such as the Contact Groups, which have emerged to meet specific needs.

States Parties in a position to do so will:

Action #70: On a voluntary basis contribute to the Sponsorship Programme thereby permitting widespread representation at meetings of the Convention, particularly by mine-affected developing States Parties, with the latter maximising this important investment by actively participating and sharing information on their problems, plans, progress and priorities for assistance.