

# Ninth Meeting

# of the States Parties

## 24-28 November | 2008

Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction



24-28 November 2008  
Geneva | Switzerland  
**ap mine ban convention**



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## 1. WHAT IS THE AP MINE BAN CONVENTION?

### > What is the AP Mine Ban Convention?

This is a short reference to the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, also known as the Ottawa Convention.

- > The Convention was adopted in Oslo on 18 September 1997 and opened for signature in Ottawa 3-4 December 1997 at a ceremony that featured the participation of UN Secretary-General Kofi Annan.
- > For their determination in calling for the Convention, the International Campaign to Ban Landmines and its coordinator Jody Williams were awarded the 1997 Nobel Peace Prize.
- > The Convention entered into force on 1 March 1999.
- > The Convention's first five-year review was held in Nairobi from 29 November to 3 December 2004, at which time the *Nairobi Action Plan* was adopted at a high political level. The Convention's second five-year review will be held at the end of 2009.

### > What is its purpose?

Its purpose is 'to put an end to the suffering and casualties caused by anti-personnel (AP) mines' through four core aims:

- > Universal acceptance of a ban on AP mines
- > Destruction of stockpiled AP mines
- > Clearance of mined areas
- > Providing assistance to mine victims.

### > How many countries have joined?

- > 156 States have ratified or have acceded to the Convention.
- > Every State in the Americas, except for Cuba and the United States, has joined the Convention.
- > Every State in Sub-Saharan Africa, except Somalia, has joined the Convention.
- > Every Member State of the European Union, except Finland and Poland, has joined the Convention.

## 1. WHAT IS THE AP MINE BAN CONVENTION?

### > What has been the impact of the Convention?

**Use** has decreased dramatically. 156 countries have agreed to not use AP mines by ratifying or acceding to the Convention and other States have exhibited widespread acceptance of the need to stop use of the weapon.

**Production** has decreased significantly – 34 States of 50 that previously manufactured AP mines are now States Parties to the Convention.

**Destruction** of stockpiled mines has been significant – over 40 million mines have been destroyed by the States Parties. This work is ongoing – 7 States Parties still must destroy several million mines.

**Clearing** of mined areas continues. 52 States Parties have reported mined areas. 10 of these countries have completed their obligations and several others will complete soon. Annual casualty rates have fallen in many countries.

**Needs of survivors** have been addressed for the first time in a disarmament/arms control convention. Most of the 26 States Parties reporting the responsibility for significant numbers of survivors have engaged in a process of developing objectives and a plan of action to meet the needs and guarantee the rights of landmine survivors and other persons with disabilities.



Convention signing ceremony | Ottawa | 3 December 1997

## 2. WHAT IS THE NINTH MEETING OF THE STATES PARTIES?

- > The Ninth Meeting of the States Parties (9MSP) is a formal diplomatic meeting of the 156 States that have accepted the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction.
- > The main purpose of the 9MSP is “to consider the operation and status of the Convention.” In practical terms, this will see States developing solutions to key challenges faced in implementing the Convention, including challenges related to meeting expectations in clearing mined areas, destroying stockpiled mines and ensuring sustained and measurable support for landmine survivors.
- > At the 9MSP, approximately 700 delegates representing over 100 States and dozens of international and non-governmental organisations will discuss the *Geneva Progress Report 2007-2008*. This report reviews progress made between November 2007 and November 2008 in the pursuit of the aims of the *Nairobi Action Plan* and highlights priorities for the period 2008-2009 leading to the Second Review Conference.
- > In addition, the 9MSP will consider requests for extensions on States’ ten-year deadlines for clearing mined areas.
- > The 9MSP President-Designate has chosen *honour your commitment* as the theme of the 9MSP. In doing so, the President-Designate hopes that all States Parties will continue promoting and endorsing the moral value of the Convention and keep their commitments to take on remaining tasks to universalise and implement the Convention as rapidly as possible.



### 3. WHAT WILL HAPPEN AT THE NINTH MEETING OF THE STATES PARTIES?

- > The 9MSP will be preceded by an opening ceremony at 10:00 on Monday 24 November in the Salle des Assemblées at the Palais des Nations in Geneva. This will feature addresses by Micheline Calmy-Rey, Minister of Foreign Affairs of Switzerland, and Christine Beerli, Vice-President of the ICRC. For information, contact: [patrizia.palmiero@deza.admin.ch](mailto:patrizia.palmiero@deza.admin.ch) or [thea.ruggia@eda.admin.ch](mailto:thea.ruggia@eda.admin.ch)
- > Landmine survivor Song Kosal will also address delegates. At the age of six, Song Kosal's life was forever changed when she stepped on a landmine while working in a rice paddy along the Thai-Cambodian border. She has since campaigned vigorously for a world without anti-personnel mines. For information, contact: [s.bailey@gichd.org](mailto:s.bailey@gichd.org)
- > At the beginning of the 9MSP, the States Parties are expected to elect Switzerland's Permanent Representative to the Conference on Disarmament, H.E. Ambassador Jürg Streuli, as President of the 9MSP. For information, contact: [thea.ruggia@eda.admin.ch](mailto:thea.ruggia@eda.admin.ch)
- > Following a brief general exchange of views, the States Parties will hold an informal discussion on 15 States Parties' requests for extensions of deadlines for clearing mined areas. (In accordance with Article 5 of the Convention, each State Party reporting anti-personnel mines in mined areas must destroy all such mines in a ten year period. If States Parties believe that they will be unable to do so in ten years, they may request extra time.) For information, visit [www.apminebanconvention.org/extensions](http://www.apminebanconvention.org/extensions)
- > Much of 26 and 27 November will feature thematic discussions on matters such as mine clearance, victim assistance, stockpile destruction and efforts to achieve universal acceptance of the Convention. In addition, the States Parties will finalise the *Geneva Progress Report 2007-2008*, a comprehensive assessment of progress made since November 2007 in the pursuit of the Convention's aims.
- > On 28 November, the States Parties will take decisions on a number of matters concerning the implementation and operations of the Convention.
- > Throughout the week of 24-28 November, a wide variety of side events will take place at the Palais des Nations and at other locations in Geneva.
- > For more information, please refer to the programme of events on pages 20-21.

#### 4. WHAT WILL BE DECIDED AT THE NINTH MEETING OF THE STATES PARTIES?

- > The States Parties will be asked to welcome the *Geneva Progress Report 2007-2008*, a comprehensive assessment of progress made since November 2007 in the pursuit of the Convention's aims.
- > The States Parties will take formal decisions on the 15 States Parties' requests for extensions of deadlines for completing the destruction of anti-personnel mines in mined areas in accordance with Article 5 of the Convention.
- > The States Parties will consider recommendations presented by the Co-Chairs of the Standing Committee on Stockpile Destruction (Lithuania and Serbia) to ensure the full implementation of the Convention's Article 4 stockpile destruction obligations.
- > The States Parties will consider recommendations presented by the Coordinator of the Resource Utilisation Contact Group (Norway) to apply all available methods to achieve the full, efficient and expedient implementation of Article 5 of the Convention.
- > The States Parties will appoint eight new Co-Rapporteurs of the Standing Committees to serve between the end of the 9MSP and the end of the Second Review Conference.
- > The States Parties will decide on the dates, location and presidency of the Convention's Second Review Conference.
- > The States Parties will decide on dates in 2009 for meetings of the Standing Committees and for preparatory meetings in advance of the Second Review Conference.
- > The States Parties will be asked to note the annual report on the functioning of the Convention's Implementation Support Unit.



## 5. HOW CAN DELEGATIONS PREPARE FOR THE NINTH MEETING OF THE STATES PARTIES?

### General Exchange of Views (Agenda Item #10, 24 November)

- > The 9MSP President-Designate has indicated that in keeping with the practices used at previous meetings and given the need for ample time to be made available to discuss Article 5 extension requests, at the 9MSP delegations will again be discouraged from delivering statements of a general nature. In lieu of delivering general oral statements, States Parties may if they wish distribute written statements.

### Presentation of requests submitted under Article 5 (Agenda Item #11, 25-26 November)\*

- > The aim of this session is threefold: a) for requesting States Parties to present the key aspects of their extension requests, b) for the 8MSP President to present the analysis of requests and, c) for delegations to ask questions on the requests. The actual formal consideration of the requests will take place under agenda Item 13 on Friday 28 November, 2008.

### Consideration of the general status and operation of the Convention (Agenda Item #12, 26-28 November)\*

- > In keeping with past practice, much of the consideration of the general status and operation of the Convention will feature thematic discussions on the core aims of the Convention and on other matters essential for achieving the aims of the Convention.
- > States Parties that are in the process of clearing mined areas, assisting the victims, destroying stockpiled mines or fulfilling other obligations may wish to seize the opportunity presented by these thematic discussions to provide further clarity or new information on the steps they are taking to fulfil their responsibilities.
- > In order to prepare updates on these matters, relevant States Parties may wish to provide additional information in accordance with questions posed by the Co-Chairs in advance of the June 2008 meetings of the Standing Committees.
- > In preparing updates, States Parties should take into account that only new information should be provided, that updates on most matters should be brief and that updates on more complex aspects of implementation (e.g., mine clearance) should not exceed five to eight minutes.

### Universalising the Convention (Agenda Item #12.a, 26 November)\*

- > States not parties may wish to provide updates on steps they are taking towards accession to the Convention.
- > States Parties and others may wish to provide updates on efforts they have undertaken since the 8MSP to promote universal acceptance of the Convention.

### Destroying stockpiled anti-personnel mines (Agenda Item #12.b, 26 November)\*

- > States Parties that have *recently fulfilled* Article 4 stockpile destruction obligations may wish to consider the following questions:
  - > What steps did your State take to establish the type, quantity, and, if possible, lot numbers of all stockpiled anti-personnel mines owned or possessed?

\* Timings subject to change.

## 5. HOW CAN DELEGATIONS PREPARE FOR THE NINTH MEETING OF THE STATES PARTIES?

- > What steps did your State take to establish the type, quantity, and, if possible, lot numbers of all stockpiled anti-personnel mines owned or possessed?
- > What appropriate national and local capacities were established or used to meet your State's Article 4 stockpile destruction obligations?
- > What methods were used to destroy the stockpiled mines, where were the mines destroyed and what safety and environmental standards were observed in the destruction process?
- > How many mines of which types were destroyed and during which time period?
- > What difficulties, if any, did your State face in the destruction of its stockpiled anti-personnel mines and how were these challenges overcome?
- > States Parties that are in the *process of fulfilling* Article 4 stockpile destruction obligations may wish to consider the following questions:
  - > What steps has your State taken to establish the type, quantity, and, if possible, lot numbers of all stockpiled anti-personnel mines owned or possessed?
  - > What appropriate national and local capacities have been established to meet your Article 4 stockpile destruction obligations?
  - > What is the status of your State's stockpile destruction programme? (How many mines have been destroyed and remain to be destroyed? What is your timetable for the destruction of these mines?)
  - > What difficulties, if any, do you face in the destruction of your stockpiled anti-personnel mines? If relevant, what are your priorities for external financial, technical or other assistance?
- > States Parties that are in the process of fulfilling their obligations under Article 4 and that have *missed their deadlines* for destroying stockpiled anti-personnel mines may wish to consider the following questions:
  - > What are the circumstances that have prevented your State from complying with its obligations on time?
  - > What steps has your State taken to proceed in destroying all stockpiled anti-personnel mines owned or possessed? How many mines have been destroyed and how many remain to be destroyed?
  - > What is your State's plan, including time-lines and a prospective end date, for complying as soon as possible?

### Clearing mined areas (Agenda Item #12.c, 27 November)\*

- > States Parties that are in the process of fulfilling Article 5 mine clearance obligations (other than States Parties that have submitted extension requests) may wish to consider the following questions:
  - > What is your State's plan to destroy or ensure the destruction of all anti-personnel mines in mined areas under your State's jurisdiction or control as soon as possible?
  - > What progress has been made in the implementation of your State's national demining programme since the last time that an update was provided to the Standing Committee?

\* Timings subject to change.

## 5. HOW CAN DELEGATIONS PREPARE FOR THE NINTH MEETING OF THE STATES PARTIES?

- > What work remains in order for your State to be in compliance with its obligation to have destroyed or ensured the destruction of all anti-personnel mines in mined areas under your State's jurisdiction or control?
- > What circumstances, if any, may impede the ability of your State to destroy or ensure the destruction of all anti-personnel mines in mined areas under your State's jurisdiction or control within ten years after entry into force of the Convention for your State? What is the prospective end-date for your State to have fully implemented Article 5?
- > What financial and technical means has your State dedicated to ensuring the fulfillment of your State's Article 5 obligations?
- > What new methodologies, if any, are being explored or have been employed in your State's effort to fulfill its Article 5 obligations before its deadline?
- > If mine action in your country is still conducted or partially managed by foreign organisations and/or international organisations, what are the steps that your State has taken to develop its national capacity?
- > What, if any, are your priorities for external assistance to support your State's fulfillment of its Article 5 obligations?

### Assisting the victims (Agenda Item #12.d, 27 November)\*

- > States Parties that have reported the responsibility for significant numbers of landmine survivors may wish to consider the following questions:
  - > Can you provide specific examples of data collection mechanisms available that can provide comprehensive information on the numbers, location and needs of mine survivors to support the needs of programme planners and resource mobilisation?
  - > Can you provide specific examples of progress in improving access to trauma care services with well-trained personnel and well-equipped facilities in close proximity to those who may need to access these services?
  - > Can you provide specific examples of progress in improving access to rehabilitation services with well-trained personnel and well-equipped facilities to promote the physical well-being and the equalisation of opportunities for persons with disabilities?
  - > Can you provide specific examples of progress in improving access to appropriate psychological and social support, including through peer support and other programmes, to assist mine victims and their families?
  - > Can you provide specific examples of progress in increasing access to vocational training programmes, micro-finance schemes and other activities that promote the economic inclusion of mine survivors and other persons with disabilities?
  - > Can you provide specific examples of how national legal and policy frameworks are effectively addressing the needs and fundamental human rights of mine victims and other persons with disabilities, including policies on accessibility to the built environment?
  - > Can you provide specific examples of how relevant ministries have been involved in the development of a plan of action and are effectively cooperating in implementing the plan and monitoring its implementation?

## 6. NINTH MEETING OF THE STATES PARTIES SIDE EVENTS

- > The Contact Groups on universalisation, Article 7 reporting, resource utilisation and linking mine action and development will meet during lunch break sessions in the week of the 9MSP at the Palais des Nations.
- > Evening receptions will be hosted by Switzerland (24 November), the Geneva International Centre for Humanitarian Demining (26 November) and the Swiss Cooperation and Development Agency and the ICRC Special Fund for the Disabled (27 November).
- > Several thematic side events will also take place during lunch breaks at the Palais des Nations during the week of 24 to 28 November.
- > A variety of exhibitions will be held throughout the week of 24-28 November, including:
  - > *Terres perdues*, a photo exhibition by Jane Evelyn Atwood for Handicap International (Salle des Pas Perdus, Palais des Nations)
  - > *To Be Deter-mined / At Arms Length*, an exhibition of photos, posters and sculptures by Cambodian artist Chris Minko (Passerelle and Room XIV, Palais des Nations)
  - > *Mines de rien*, an urban installation featuring cryptograms and road signs emphasising the struggle against anti-personnel mines by the artists' association *Imaginaid* (Rue du Marché)

## 7. BANNING USE, PRODUCTION AND TRANSFER

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### What the Convention says

- > Each State Party undertakes **never under any circumstances**:
  - > To **use** anti-personnel mines;
  - > To **develop, produce, otherwise acquire, stockpile, retain or transfer** to anyone, directly or indirectly, anti-personnel mines;
  - > To **assist, encourage or induce**, in any way, anyone to engage in any activity prohibited to a State Party under this Convention.
- > “The Articles of this Convention **shall not be subject to reservations.**”

### Progress made

- > The use of anti-personnel mines has decreased dramatically. The Convention’s prohibition on the **use** of AP mines binds its 156 parties and this norm has enjoyed widespread acceptance by other States.
- > By having joined the Convention, 156 of the world’s States have accepted a legally binding prohibition on **transfers** of AP mines. Even for most other States this has become the accepted norm.
- > The **production** of AP mines has decreased significantly: of the approximately 50 States that at one time produced AP mines, 34 are now parties to the Convention.

### Challenges that remain

- > According to the International Campaign to Ban Landmines, two States not parties to the Convention recently have made new use of AP mines.
- > 13 States not parties continue to produce AP mines or have not produced mines for some time but retain the capacity to produce.
- > Universal acceptance of the Convention’s norms is impeded by armed non-State actors that continue to use, stockpile and produce anti-personnel mines.

## 8. DESTROYING STOCKPILED MINES

### What the Convention says

- > Each State Party “undertakes to **destroy or ensure the destruction of all stockpiled anti-personnel mines** it owns or possesses, or that are under its jurisdiction or control, as soon as possible but **not later than four years** after the entry into force of this Convention for that State Party.”
- > States Parties **may retain** “a number of anti-personnel mines **for the development of and training in mine detection, mine clearance, or mine destruction techniques.**” This number “shall not exceed the minimum number absolutely necessary” for these purposes.

### Progress made

- > 149 States Parties now no longer hold stockpiled anti-personnel mines.
- > Together the States Parties have destroyed over 40 million mines.

### Challenges that remain

- > 7 States Parties are still in the process of destroying their stockpiled anti-personnel mines, including 3 that have missed their deadlines.
- > Combined, these 7 States Parties must destroy several million mines.
- > Destroying a particular type of mine – the Soviet-era “PFM-1” mine – is extremely hazardous and poses serious technical difficulties.

## Deadlines for destruction of stockpiled anti-personnel mines

State Party	2007	2008	2009	2010	2011	2012
Belarus	1 March 2008					
Ethiopia		1 June 2009				
Greece	1 March 2008					
Indonesia				1 August 2011		
Kuwait					1 January 2012	
Turkey	1 March 2008					
Ukraine			1 June 2010			

## Deadlines for clearance of anti-personnel mines

	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Afghanistan				1 March 2013						
Albania	1 August 2010									
Algeria			1 April 2012							
Angola			1 January 2013							
Argentina	1 March 2010									
Bhutan						1 February 2016				
BiH	1 March 2009									
Burundi					1 April 2014					
Cambodia		1 January 2010								
Chad	1 November 2009									
Chile				1 March 2012						
Colombia		1 March 2011								
Congo, Brazza			1 November 2011							
Croatia	1 March 2009									
Cyprus					1 July 2013					
DRC					1 November 2012					
Denmark	1 March 2009									
Ecuador	1 October 2009									
Eritrea			1 February 2012							
Ethiopia						1 June 2015				
Greece						1 March 2014				
Guinea Bissau		1 November 2011								
Iraq									1 February 2018	
Jordan	1 May 2009									
Mauritania	1 February 2011									
Mozambique	1 March 2009									
Nicaragua	1 May 2009									
Peru	1 March 2009									
Rwanda			1 December 2010							
Senegal	1 March 2009									
Serbia						1 March 2014				
Sudan						1 April 2014				
Tajikistan	1 April 2010									
Thailand	1 May 2009									
Tunisia		1 January 2010								
Turkey						1 March 2014				
Uganda	1 August 2009									
United Kingdom	1 March 2009									
Venezuela	1 October 2009									
Yemen	1 March 2009									
Zambia			1 April 2011							
Zimbabwe	1 March 2009									

## 9. CLEARING MINED AREAS

### What the Convention says

- > Each State Party must make “every effort to **identify all areas** under its jurisdiction or control in which anti-personnel mines are known or suspected to be emplaced.”
- > Each State Party must “as soon as possible” **ensure that these mined areas “are perimeter marked, monitored and protected** by fencing or other means, to ensure the effective exclusion of civilians, until all anti-personnel mines contained therein have been destroyed.”
- > Each State Party must “**destroy or ensure the destruction of all anti-personnel mines in mined areas** (...) as soon as possible but not later than 10 years after the entry into force of this Convention for that State Party.”
- > If a State Party believes that it will be unable to destroy or ensure the destruction of all anti-personnel mines in mined areas within 10 years, it may **request an extension**.

### Progress made

- > 52 States Parties have reported mined areas under their jurisdiction or control.
- > 10 of these 52 States Parties – Bulgaria, Costa Rica, Djibouti, France, Guatemala, Honduras, the former Yugoslav Republic of Macedonia, Malawi, Suriname and Swaziland – have indicated that they have fulfilled their clearance obligations.
- > Several more are in a position to complete clearance soon.
- > Clearance activities and risk reduction measures have led to a reduction in annual casualty rates in many countries.

### Challenges that remain

- > It will take some States Parties many more years to fulfil their mine clearance obligations.
- > 15 States Parties have requested an extension in 2008 of the deadline for clearing mined areas.
- > Fulfilling obligations will require effective use of the full range of methods to release previously suspected mined areas, including non-technical survey, technical survey and manual/mechanical clearance.

## 10. ASSISTING THE VICTIMS

### What the Convention says

- The Convention's preamble records the wish of the States Parties "to do their utmost in providing **assistance for the care and rehabilitation, including the social and economic reintegration of mine victims.**"
- This wish is translated into the obligation of "each State Party in a position to do so" to "provide **assistance for the care and rehabilitation, and social and economic reintegration, of mine victims.**"

### Progress made

- For the first time a disarmament / arms-control convention contains measures to assist the victims of the weapons in question.
- The Convention has drawn attention to the plight of landmine survivors – and hence the challenges of all persons with disabilities – in some of the world's poorest countries.
- Specialised organisations have raised millions – including the ICRC alone which has generated over US\$ 100 million – to assist landmine survivors and other persons with disabilities in mine-affected countries.
- Several States Parties that are responsible for significant numbers of landmine survivors have developed measurable victim assistance objectives and are implementing plans of action to meet the needs and guarantee the rights of landmine survivors and other persons with disabilities.
- The Convention's practice of viewing landmine victim assistance in the context of existing State responsibilities in the areas of healthcare, social services, rehabilitation, vocational training and human rights has served as the model for other instruments of international humanitarian law, including the Convention on Cluster Munitions.



## 10. ASSISTING THE VICTIMS

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### Challenges that remain

- > 26 States Parties have indicated that they have significant numbers – hundreds or thousands – of landmine survivors for which they must provide care.
- > Many of these 26 countries are some of the poorest on earth and thus need a great deal of assistance in meeting the needs of mine victims.
- > There is an expectation that States Parties that are responsible for significant numbers of landmine survivors will provide an unambiguous assessment of progress made and challenges that remain at the national level by the time of the Convention's Second Review Conference in 2009.

### 26 States Parties with significant numbers of landmine survivors

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<b>A</b> Afghanistan Albania Angola	<b>E</b> El Salvador Ethiopia Eritrea	<b>P</b> Peru
<b>B</b> Bosnia and Herzegovina Burundi	<b>G</b> Guinea-Bissau	<b>S</b> Senegal Serbia Sudan
<b>C</b> Cambodia Chad Colombia Croatia	<b>I</b> Iraq	<b>T</b> Tajikistan Thailand
<b>D</b> Dem. Rep. of the Congo	<b>J</b> Jordan	<b>U</b> Uganda
	<b>M</b> Mozambique	<b>Y</b> Yemen
	<b>N</b> Nicaragua	

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## 11. OTHER IMPORTANT MATTERS FOR ACHIEVING THE AIMS OF THE CONVENTION

### What the Convention says

- > **Cooperation:** each State Party has the right to seek and receive assistance. Each State Party in a position to do so is obliged to provide assistance.
- > **Transparency:** each State Party must provide an initial transparency report within 180 days of the Convention entering into force for it, and then update this report annually.
- > **Compliance:** the primary responsibility for ensuring compliance with the Convention rests with each individual State Party through the legal and other measures it is obliged to take to prevent and suppress prohibited acts.

### Progress made

- > **Cooperation:** global funding levels for activities consistent with the aims of the Convention remain high with over US\$ 400 million generated annually in recent years.
- > **Transparency:** all but 5 of the States Parties with a requirement to submit an initial transparency report have done so.
- > **Compliance:** there are now 55 States Parties that have adopted legislation to prevent and suppress prohibited acts. In addition, 28 States Parties have indicated that they consider existing laws to be sufficient.

### Challenges that remain

- > **Cooperation:** a renewed donor commitment is required and it is equally important that mine-affected States Parties themselves take ownership over implementation by making national resource commitments.
- > **Transparency:** the rate of compliance with the obligation to provide transparency reports is 58% in 2008.
- > **Compliance:** there are 73 States Parties that have not yet indicated that they have legislation sufficient to prevent and suppress prohibited acts.

## 12. IMPORTANT DATES | 2009

### March 1, 2009

- > Tenth anniversary of the entry into force of the Convention.

### March 31, 2009

- > Suggested deadline for States Parties with Article 5 deadlines in 2010 to submit requests for extensions on the period of time needed to destroy all anti-personnel mines in mined areas.

### April 30, 2009

- > Deadline for States Parties to submit Article 7 transparency reports covering calendar year 2008.

### May 25-29, 2009\*

- > Meetings of the Standing Committees established by the States Parties to the Convention, Geneva.

### May 29, 2009\*

- > First Preparatory Meeting in advance of the Convention's Second Review Conference, Geneva.

### June 1, 2009

- > Deadline for Ethiopia to destroy stockpiled anti-personnel mines.

### September 3-4, 2009\*

- > Second Preparatory Meeting in advance of the Convention's Second Review Conference, Geneva.

### November 30 - December 4, 2009\*

- > Second Review Conference.

\* Dates subject to confirmation by the Ninth Meeting of the States Parties.

## 13. STATES PARTIES TO THE AP MINE BAN CONVENTION

### A

Afghanistan  
Albania  
Algeria  
Andorra  
Angola  
Antigua and Barbuda  
Argentina  
Australia  
Austria

### B

Bahamas  
Bangladesh  
Barbados  
Belarus  
Belgium  
Belize  
Benin  
Bhutan  
Bolivia  
Bosnia and Herzegovina  
Botswana  
Brazil  
Brunei Darussalam  
Bulgaria  
Burkina Faso  
Burundi

### C

Cambodia  
Cameroon  
Canada  
Cape Verde  
Central African Republic  
Chad  
Chile  
Colombia  
Comoros  
Congo  
Cook Islands  
Costa Rica  
Côte d' Ivoire  
Croatia  
Cyprus  
Czech Republic

### D

Dem. Republic of the Congo  
Denmark  
Djibouti  
Dominica  
Dominican Republic

### E

Ecuador  
El Salvador  
Equatorial Guinea  
Eritrea  
Estonia  
Ethiopia

### F

Fiji  
France

## 19

### G

Gabon  
Gambia  
Germany  
Ghana  
Greece  
Grenada  
Guatemala  
Guinea  
Guinea-Bissau  
Guyana

### H

Haiti  
Holy See  
Honduras  
Hungary

### I

Iceland  
Indonesia  
Iraq  
Ireland  
Italy

### J

Jamaica  
Japan  
Jordan

### K

Kenya  
Kiribati  
Kuwait

### L

Latvia  
Lesotho  
Liberia  
Liechtenstein  
Lithuania  
Luxembourg

### M

Macedonia, the FYR of  
Madagascar  
Malawi  
Malaysia  
Maldives  
Mali  
Malta  
Mauritania  
Mauritius  
Mexico  
Moldova, Republic of  
Monaco  
Montenegro  
Mozambique

### N

Namibia  
Nauru  
Netherlands  
New Zealand  
Nicaragua  
Niger  
Nigeria  
Niue  
Norway

### P

Palau  
Panama  
Papua New Guinea  
Paraguay  
Peru  
Philippines  
Portugal

### Q

Qatar

### R

Romania  
Rwanda

### S

Saint Kitts and Nevis  
Saint Lucia  
Saint Vincent and the Grenadines  
Samoa  
San Marino  
Sao Tome and Principe  
Senegal  
Serbia  
Seychelles  
Sierra Leone  
Slovakia  
Slovenia  
Solomon Islands  
South Africa  
Spain  
Sudan  
Suriname  
Swaziland  
Sweden  
Switzerland

### T

Tajikistan  
Tanzania, United Republic of  
Thailand  
Timor Leste  
Togo  
Trinidad and Tobago  
Tunisia  
Turkey  
Turkmenistan

### U

Uganda  
Ukraine  
United Kingdom  
Uruguay

### V

Vanuatu  
Venezuela

### Y

Yemen

### Z

Zambia  
Zimbabwe

## 14. THE NINTH MEETING OF THE STATES PARTIES | PROGRAMME OF EVENTS

### MONDAY 24 NOVEMBER

- > **10:00 – 11:00**  
**9MSP Opening ceremony**  
Salle des Assemblées
- > **11:00 – 13:00**  
**Official opening of the meeting**
  - > Election of the President and Vice-Presidents
  - > Adoption of procedural documents
  - > General exchange of views

- > **13:00 – 15:00**  
**Linking Mine Action and Development Contact Group meeting**  
Room IX  
**Contact** anne\_woodbridge@acdi-cida.gc.ca

- > **13:00 – 14:00**  
**Landmine Monitor Report 2008**  
Sponsored by the ICBL  
Room XI  
**Contact** olivia@icbl.org

- > **13:00 – 15:00**  
**International Mine Risk Education Working Group**  
Sponsored by UNICEF  
Room XVI  
**Contact** sbaaser@unicef.org

- > **15:00 – 18:00**  
**9MSP continues** Salle des Assemblées
  - > General exchange of views (continued)

- > **18:30 - 23:00**  
**Soirée Suisse hosted by Switzerland**  
Grande Salle de Plainpalais  
(old Theater Pitoeff, rue de Carouge)  
**Directions**  
Take tram #13 from Nations to Pont-d'Arve

### TUESDAY 25 NOVEMBER

- > **10:00 – 13:00**  
**9MSP continues** Salle des Assemblées
  - > Informal presentation of requests submitted under Article 5 and of the analysis of these requests

- > **13:00 – 15:00**  
**Resource Utilisation Contact Group meeting**  
Room IX  
**Contact** yngvild.berggrav@mfa.no

- > **13:00 – 15:00**  
**Mine Action in Nepal**  
Sponsored by the Nepal Campaign to Ban Landmines  
Room X  
**Contact** olivia@icbl.org

- > **13:00 – 15:00**  
**Launch of the Portfolio of Mine Action Projects 2009**  
Sponsored by UNMAS  
Room XI  
**Contact** glaurie@unog.ch

- > **13:00 – 15:00**  
**Challenges to humanitarian mine action, the case of Colombia**  
Sponsored by the ICBL  
Room XVI  
**Contact** olivia@icbl.org

- > **15:00 – 18:00**  
**9MSP continues** Salle des Assemblées
  - > Informal presentation of requests submitted under Article 5 and of the analysis of these requests (continued)

### WEDNESDAY 26 NOVEMBER

- > **08:30 – 10:00**  
**Mine Action Support Group Meeting**  
Sponsored by the United Kingdom (Invitation only)  
Room IX  
**Contact** as-white@dfid.gov.uk

- > **10:00 – 13:00**  
**9MSP continues** Salle des Assemblées
  - > Informal presentation of requests submitted under Article 5 and of the analysis of these requests (continued)

- > **13:00 – 15:00**  
**Inclusive Education: Experiences in Mine Affected Countries**  
Sponsored by Handicap International  
Room IX  
**Contact** olivia@icbl.org

- > **13:00 – 15:00**  
**Mine Action Support Group Meeting**  
Sponsored by the United Kingdom (Invitation only)  
Room X  
**Contact** as-white@dfid.gov.uk

- > **13:00 – 15:00**  
**Universalisation Contact Group Meeting**  
Sponsored by Canada  
Room XI  
**Contact** john.macbride@international.gc.ca

- > **13:00 – 15:00**  
**Article 7 Contact Group Meeting**  
Room XVI  
**Contact** brigitte.minart@diplobel.fed.be

- > **15:00 – 18:00**  
**9MSP continues** Salle des Assemblées
  - > Consideration of the general status and operation of the Convention
    - > Universalizing the Convention
    - > Destroying stockpiled anti-personnel mines

- > **18:30**  
**Reception hosted by the GICHD**  
World Meteorological Organisation Building  
7bis, avenue de la Paix | Attique Restaurant

## THURSDAY 27 NOVEMBER

### > 10:00 – 13:00

- 9MSP continues** Salle des Assemblées
- > Consideration of the general status and operation of the Convention (continued)
  - > Clearing mined areas

### > 13:00 – 15:00

- Road Clearance**  
Sponsored by the GICHD  
Room IX  
**Contact** e.tollefson@gichd.org

### > 13:00 – 15:00

- Integrating development into UXO action: challenges, opportunities and lessons learnt from Laos**  
Sponsored by the Swiss Development and Cooperation Agency in partnership with the Government of Laos, UNDP and Handicap International  
Room XI  
**Contact** nicolas.lanza@eda.admin.ch

### > 13:00 – 15:00

- Victim Assistance in Colombia**  
Sponsored by Handicap International  
Room XVI  
**Contact** olivia@icbl.org

### > 15:00 – 18:00

- 9MSP continues** Salle des Assemblées
- > Consideration of the general status and operation of the Convention (continued)
  - > Assisting the victims

### > 18:00

- Reception hosted by the Swiss Cooperation and Development Agency and the ICRC Special Fund for the Disabled**  
Palais des Nations, 8<sup>th</sup> floor, Restaurant

## FRIDAY 28 NOVEMBER

### > 10:00 – 13:00

- 9MSP continues** Salle des Assemblées
- > Consideration of the general status and operation of the Convention (continued)
  - > Other matters essential for achieving the Convention's aims
    - > Cooperation and assistance
    - > Transparency and exchange of information
    - > Preventing and suppressing prohibited acts and facilitating compliance
    - > Implementation support
  - > Consideration of requests submitted under Art. 5.

### > 13:00 – 15:00

- Progress and Challenges in Implementing the Deed of Commitment for Armed Non-State Actors**  
Sponsored by the Geneva Call  
Room IX  
**Contact** olivia@icbl.org

### > 13:00 – 15:00

- Convention on Cluster Munitions: Oslo and Beyond**  
Sponsored by ICBL and Cluster Munitions Coalition  
Room XVI  
**Contact** olivia@icbl.org

### > 13:00 – 15:00

- Censures | Dance Performance under the Broken Chair**  
Sponsored by Switzerland and ImaginAid  
Under the Broken Chair, Place des Nations (in case of rain this event will take place on the ground floor of the Ariana Museum)  
**Contact** thea.ruggia@eda.admin.ch

### > 15:00 – 18:00

- 9MSP concludes** Salle des Assemblées
- > Consideration of matters arising from / in the context of reports submitted under Article 7
  - > Consideration of requests submitted under Art. 8
  - > Preparations for the Second Review Conference
  - > Consideration of the final document

# CONVENTION ON THE PROHIBITION OF THE USE, STOCKPILING, PRODUCTION AND TRANSFER OF ANTI-PERSONNEL MINES AND ON THEIR DESTRUCTION

## Preamble

The States Parties,

**Determined** to put an end to the suffering and casualties caused by anti-personnel mines, that kill or maim hundreds of people every week, mostly innocent and defenceless civilians and especially children, obstruct economic development and reconstruction, inhibit the repatriation of refugees and internally displaced persons, and have other severe consequences for years after emplacement,

**Believing** it necessary to do their utmost to contribute in an efficient and coordinated manner to face the challenge of removing anti-personnel mines placed throughout the world, and to assure their destruction,

**Wishing** to do their utmost in providing assistance for the care and rehabilitation, including the social and economic reintegration of mine victims,

**Recognizing** that a total ban of anti-personnel mines would also be an important confidence-building measure,

**Welcoming** the adoption of the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices, as amended on 3 May 1996, annexed to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, and calling for the early ratification of this Protocol by all States which have not yet done so,

**Welcoming** also United Nations General Assembly Resolution 51/45 S of 10 December 1996 urging all States to pursue vigorously an effective, legally-binding international agreement to ban the use, stockpiling, production and transfer of anti-personnel landmines,

**Welcoming** furthermore the measures taken over the past years, both unilaterally and multilaterally, aiming at prohibiting, restricting or suspending the use, stockpiling, production and transfer of anti-personnel mines,

**Stressing** the role of public conscience in furthering the principles of humanity as evidenced by the call for a total ban of anti-personnel mines and recognizing the efforts to that end undertaken by the International Red Cross and Red Crescent Movement, the International Campaign to Ban Landmines and numerous other non-governmental organizations around the world,

**Recalling** the Ottawa Declaration of 5 October 1996 and the Brussels Declaration of 27 June 1997 urging the international community to negotiate an international and legally binding agreement prohibiting the use, stockpiling, production and transfer of anti-personnel mines,

**Emphasizing** the desirability of attracting the adherence of all States to this Convention, and determined to work strenuously towards the promotion of its universalization in all relevant fora including, inter alia, the United Nations, the Conference on Disarmament, regional organizations, and groupings, and review conferences of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects,

**Basing** themselves on the principle of international humanitarian law that the right of the parties to an armed conflict to choose methods or means of warfare is not unlimited, on the principle that prohibits the employment in armed conflicts of weapons, projectiles and materials and methods of warfare of a nature to cause superfluous injury or unnecessary suffering and on the principle that a distinction must be made between civilians and combatants,

Have agreed as follows:

Banning AP mines...



clearing mined areas,

## Article 1 | General obligations

1. Each State Party undertakes never under any circumstances:
  - a. To use anti-personnel mines;
  - b. To develop, produce, otherwise acquire, stockpile, retain or transfer to anyone, directly or indirectly, anti-personnel mines;
  - c. To assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Convention.
2. Each State Party undertakes to destroy or ensure the destruction of all anti-personnel mines in accordance with the provisions of this Convention.

destroying stockpiles,



## Article 2 | Definitions

1. "Anti-personnel mine" means a mine designed to be exploded by the presence, proximity or contact of a person and that will incapacitate, injure or kill one or more persons. Mines designed to be detonated by the presence, proximity or contact of a vehicle as opposed to a person, that are equipped with anti-handling devices, are not considered anti-personnel mines as a result of being so equipped.
2. "Mine" means a munition designed to be placed under, on or near the ground or other surface area and to be exploded by the presence, proximity or contact of a person or a vehicle.
3. "Anti-handling device" means a device intended to protect a mine and which is part of, linked to, attached to or placed under the mine and which activates when an attempt is made to tamper with or otherwise intentionally disturb the mine.
4. "Transfer" involves, in addition to the physical movement of anti-personnel mines into or from national territory, the transfer of title to and control over the mines, but does not involve the transfer of territory containing emplaced anti-personnel mines.
5. "Mined area" means an area which is dangerous due to the presence or suspected presence of mines.



assisting mine victims.

## Article 3 | Exceptions

1. Notwithstanding the general obligations under Article 1, the retention or transfer of a number of anti-personnel mines for the development of and training in mine detection, mine clearance, or mine destruction techniques is permitted. The amount of such mines shall not exceed the minimum number absolutely necessary for the above-mentioned purposes.
2. The transfer of anti-personnel mines for the purpose of destruction is permitted.

## Article 4 | Destruction of stockpiled anti-personnel mines

Except as provided for in Article 3, each State Party undertakes to destroy or ensure the destruction of all stockpiled anti-personnel mines it owns or possesses, or that are under its jurisdiction or control, as soon as possible but not later than four years after the entry into force of this Convention for that State Party.

## CONVENTION ON THE PROHIBITION OF THE USE, STOCKPILING, PRODUCTION AND TRANSFER OF ANTI-PERSONNEL MINES AND ON THEIR DESTRUCTION

### Article 5 | Destruction of anti-personnel mines in mined areas

1. Each State Party undertakes 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 of this Convention for that State Party.
2. Each State Party shall make every effort to identify all areas under its jurisdiction or control in which anti-personnel mines are known or suspected to be emplaced and shall ensure as soon as possible that all anti-personnel mines in mined areas under its jurisdiction or control are perimeter-marked, monitored and protected by fencing or other means, to ensure the effective exclusion of civilians, until all anti-personnel mines contained therein have been destroyed. The marking shall at least be to the standards set out in the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices, as amended on 3 May 1996, annexed to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects.
3. If a State Party believes that it will be unable to destroy or ensure the destruction of all anti-personnel mines referred to in paragraph 1 within that time period, it may submit a request to a Meeting of the States Parties or a Review Conference for an extension of the deadline for completing the destruction of such anti-personnel mines, for a period of up to ten years.
4. Each request shall contain:
  - a) The duration of the proposed extension;
  - b) A detailed explanation of the reasons for the proposed extension, including:
    - i. The preparation and status of work conducted under national demining programs;
    - ii. The financial and technical means available to the State Party for the destruction of all the anti-personnel mines; and
    - iii. Circumstances which impede the ability of the State Party to destroy all the anti-personnel mines in mined areas;
  - c) The humanitarian, social, economic, and environmental implications of the extension; and
  - d) Any other information relevant to the request for the proposed extension.
5. The Meeting of the States Parties or the Review Conference shall, taking into consideration the factors contained in paragraph 4, assess the request and decide by a majority of votes of States Parties present and voting whether to grant the request for an extension period.
6. Such an extension may be renewed upon the submission of a new request in accordance with paragraphs 3, 4 and 5 of this Article. In requesting a further extension period a State Party shall submit relevant additional information on what has been undertaken in the previous extension period pursuant to this Article.

### Article 6 | International cooperation and assistance

1. In fulfilling its obligations under this Convention each State Party has the right to seek and receive assistance, where feasible, from other States Parties to the extent possible.
2. Each State Party undertakes to facilitate and shall have the right to participate in the fullest possible exchange of equipment, material and scientific and technological information concerning the implementation of this Convention. The States Parties shall not impose undue restrictions on the provision of mine clearance equipment and related technological information for humanitarian purposes.
3. Each State Party in a position to do so shall provide assistance for the care and rehabilitation, and social and economic reintegration, of mine victims and for mine awareness programs. Such assistance may be provided, inter alia, through the United Nations system, international, regional or national organizations or institutions, the International Committee of the Red Cross, national Red Cross and Red Crescent societies and their International Federation, non-governmental organizations, or on a bilateral basis.
4. Each State Party in a position to do so shall provide assistance for mine clearance and related activities. Such assistance may be provided, inter alia, through the United Nations system, international or regional organizations or institutions, non-governmental organizations or institutions, or on a bilateral basis, or by contributing to the United Nations Voluntary Trust Fund for Assistance in Mine Clearance, or other regional funds that deal with demining.
5. Each State Party in a position to do so shall provide assistance for the destruction of stockpiled anti-personnel mines.

6. Each State Party undertakes to provide information to the database on mine clearance established within the United Nations system, especially information concerning various means and technologies of mine clearance, and lists of experts, expert agencies or national points of contact on mine clearance.
7. States Parties may request the United Nations, regional organizations, other States Parties or other competent intergovernmental or non-governmental fora to assist its authorities in the elaboration of a national demining program to determine, inter alia:
  - a) The extent and scope of the anti-personnel mine problem;
  - b) The financial, technological and human resources that are required for the implementation of the program;
  - c) The estimated number of years necessary to destroy all anti-personnel mines in mined areas under the jurisdiction or control of the concerned State Party;
  - d) Mine awareness activities to reduce the incidence of mine-related injuries or deaths;
  - e) Assistance to mine victims;
  - f) The relationship between the Government of the concerned State Party and the relevant governmental, inter-governmental or non-governmental entities that will work in the implementation of the program.
8. Each State Party giving and receiving assistance under the provisions of this Article shall cooperate with a view to ensuring the full and prompt implementation of agreed assistance programs.

#### **Article 7** | Transparency measures

1. Each State Party shall report to the Secretary-General of the United Nations as soon as practicable, and in any event not later than 180 days after the entry into force of this Convention for that State Party on:
  - a) The national implementation measures referred to in Article 9;
  - b) The total of all stockpiled anti-personnel mines owned or possessed by it, or under its jurisdiction or control, to include a breakdown of the type, quantity and, if possible, lot numbers of each type of anti-personnel mine stockpiled;
  - c) To the extent possible, the location of all mined areas that contain, or are suspected to contain, anti-personnel mines under its jurisdiction or control, to include as much detail as possible regarding the type and quantity of each type of anti-personnel mine in each mined area and when they were emplaced;
  - d) The types, quantities and, if possible, lot numbers of all anti-personnel mines retained or transferred for the development of and training in mine detection, mine clearance or mine destruction techniques, or transferred for the purpose of destruction, as well as the institutions authorized by a State Party to retain or transfer anti-personnel mines, in accordance with Article 3;
  - e) The status of programs for the conversion or de-commissioning of anti-personnel mine production facilities;
  - f) The status of programs for the destruction of anti-personnel mines in accordance with Articles 4 and 5, including details of the methods which will be used in destruction, the location of all destruction sites and the applicable safety and environmental standards to be observed;
  - g) The types and quantities of all anti-personnel mines destroyed after the entry into force of this Convention for that State Party, to include a breakdown of the quantity of each type of anti-personnel mine destroyed, in accordance with Articles 4 and 5, respectively, along with, if possible, the lot numbers of each type of anti-personnel mine in the case of destruction in accordance with Article 4;
  - h) The technical characteristics of each type of anti-personnel mine produced, to the extent known, and those currently owned or possessed by a State Party, giving, where reasonably possible, such categories of information as may facilitate identification and clearance of anti-personnel mines; at a minimum, this information shall include the dimensions, fusing, explosive content, metallic content, colour photographs and other information which may facilitate mine clearance; and
  - i) The measures taken to provide an immediate and effective warning to the population in relation to all areas identified under paragraph 2 of Article 5.

## CONVENTION ON THE PROHIBITION OF THE USE, STOCKPILING, PRODUCTION AND TRANSFER OF ANTI-PERSONNEL MINES AND ON THEIR DESTRUCTION

2. The information provided in accordance with this Article shall be updated by the States Parties annually, covering the last calendar year, and reported to the Secretary-General of the United Nations not later than 30 April of each year.
3. The Secretary-General of the United Nations shall transmit all such reports received to the States Parties.

### Article 8 | Facilitation and clarification of compliance

1. The States Parties agree to consult and cooperate with each other regarding the implementation of the provisions of this Convention, and to work together in a spirit of cooperation to facilitate compliance by States Parties with their obligations under this Convention.
2. If one or more States Parties wish to clarify and seek to resolve questions relating to compliance with the provisions of this Convention by another State Party, it may submit, through the Secretary-General of the United Nations, a Request for Clarification of that matter to that State Party. Such a request shall be accompanied by all appropriate information. Each State Party shall refrain from unfounded Requests for Clarification, care being taken to avoid abuse. A State Party that receives a Request for Clarification shall provide, through the Secretary-General of the United Nations, within 28 days to the requesting State Party all information which would assist in clarifying this matter.
3. If the requesting State Party does not receive a response through the Secretary-General of the United Nations within that time period, or deems the response to the Request for Clarification to be unsatisfactory, it may submit the matter through the Secretary-General of the United Nations to the next Meeting of the States Parties. The Secretary-General of the United Nations shall transmit the submission, accompanied by all appropriate information pertaining to the Request for Clarification, to all States Parties. All such information shall be presented to the requested State Party which shall have the right to respond.
4. Pending the convening of any meeting of the States Parties, any of the States Parties concerned may request the Secretary-General of the United Nations to exercise his or her good offices to facilitate the clarification requested.
5. The requesting State Party may propose through the Secretary-General of the United Nations the convening of a Special Meeting of the States Parties to consider the matter. The Secretary-General of the United Nations shall thereupon communicate this proposal and all information submitted by the States Parties concerned, to all States Parties with a request that they indicate whether they favour a Special Meeting of the States Parties, for the purpose of considering the matter. In the event that within 14 days from the date of such communication, at least one-third of the States Parties favours such a Special Meeting, the Secretary-General of the United Nations shall convene this Special Meeting of the States Parties within a further 14 days. A quorum for this Meeting shall consist of a majority of States Parties.
6. The Meeting of the States Parties or the Special Meeting of the States Parties, as the case may be, shall first determine whether to consider the matter further, taking into account all information submitted by the States Parties concerned. The Meeting of the States Parties or the Special Meeting of the States Parties shall make every effort to reach a decision by consensus. If despite all efforts to that end no agreement has been reached, it shall take this decision by a majority of States Parties present and voting.
7. All States Parties shall cooperate fully with the Meeting of the States Parties or the Special Meeting of the States Parties in the fulfillment of its review of the matter, including any fact-finding missions that are authorized in accordance with paragraph 8.
8. If further clarification is required, the Meeting of the States Parties or the Special Meeting of the States Parties shall authorize a fact-finding mission and decide on its mandate by a majority of States Parties present and voting. At any time the requested State Party may invite a fact-finding mission to its territory. Such a mission shall take place without a decision by a Meeting of the States Parties or a Special Meeting of the States Parties to authorize such a mission. The mission, consisting of up to 9 experts, designated and approved in accordance with paragraphs 9 and 10, may collect additional information on the spot or in other places directly related to the alleged compliance issue under the jurisdiction or control of the requested State Party.

9. The Secretary-General of the United Nations shall prepare and update a list of the names, nationalities and other relevant data of qualified experts provided by States Parties and communicate it to all States Parties. Any expert included on this list shall be regarded as designated for all fact-finding missions unless a State Party declares its non-acceptance in writing. In the event of non-acceptance, the expert shall not participate in fact-finding missions on the territory or any other place under the jurisdiction or control of the objecting State Party, if the non-acceptance was declared prior to the appointment of the expert to such missions.
10. Upon receiving a request from the Meeting of the States Parties or a Special Meeting of the States Parties, the Secretary-General of the United Nations shall, after consultations with the requested State Party, appoint the members of the mission, including its leader. Nationals of States Parties requesting the fact-finding mission or directly affected by it shall not be appointed to the mission. The members of the fact-finding mission shall enjoy privileges and immunities under Article VI of the Convention on the Privileges and Immunities of the United Nations, adopted on 13 February 1946.
11. Upon at least 72 hours notice, the members of the fact-finding mission shall arrive in the territory of the requested State Party at the earliest opportunity. The requested State Party shall take the necessary administrative measures to receive, transport and accommodate the mission, and shall be responsible for ensuring the security of the mission to the maximum extent possible while they are on territory under its control.
12. Without prejudice to the sovereignty of the requested State Party, the fact-finding mission may bring into the territory of the requested State Party the necessary equipment which shall be used exclusively for gathering information on the alleged compliance issue. Prior to its arrival, the mission will advise the requested State Party of the equipment that it intends to utilize in the course of its fact-finding mission.
13. The requested State Party shall make all efforts to ensure that the fact-finding mission is given the opportunity to speak with all relevant persons who may be able to provide information related to the alleged compliance issue.
14. The requested State Party shall grant access for the fact-finding mission to all areas and installations under its control where facts relevant to the compliance issue could be expected to be collected. This shall be subject to any arrangements that the requested State Party considers necessary for:
  - a) The protection of sensitive equipment, information and areas;
  - b) The protection of any constitutional obligations the requested State Party may have with regard to proprietary rights, searches and seizures, or other constitutional rights; or
  - c) The physical protection and safety of the members of the fact-finding mission.In the event that the requested State Party makes such arrangements, it shall make every reasonable effort to demonstrate through alternative means its compliance with this Convention.
15. The fact-finding mission may remain in the territory of the State Party concerned for no more than 14 days, and at any particular site no more than 7 days, unless otherwise agreed.
16. All information provided in confidence and not related to the subject matter of the fact-finding mission shall be treated on a confidential basis.
17. The fact-finding mission shall report, through the Secretary-General of the United Nations, to the Meeting of the States Parties or the Special Meeting of the States Parties the results of its findings.
18. The Meeting of the States Parties or the Special Meeting of the States Parties shall consider all relevant information, including the report submitted by the fact-finding mission, and may request the requested State Party to take measures to address the compliance issue within a specified period of time. The requested State Party shall report on all measures taken in response to this request.
19. The Meeting of the States Parties or the Special Meeting of the States Parties may suggest to the States Parties concerned ways and means to further clarify or resolve the matter under consideration, including the initiation of appropriate procedures in conformity with international law. In circumstances where the issue at hand is determined to be due to circumstances beyond the control of the requested State Party, the Meeting of the States Parties or the Special Meeting of the States Parties may recommend appropriate measures, including the use of cooperative measures referred to in Article 6.

## CONVENTION ON THE PROHIBITION OF THE USE, STOCKPILING, PRODUCTION AND TRANSFER OF ANTI-PERSONNEL MINES AND ON THEIR DESTRUCTION

20. The Meeting of the States Parties or the Special Meeting of the States Parties shall make every effort to reach its decisions referred to in paragraphs 18 and 19 by consensus, otherwise by a two-thirds majority of States Parties present and voting.

### Article 9 | National implementation measures

Each State Party shall take all appropriate legal, administrative and other measures, including the imposition of penal sanctions, to prevent and suppress any activity prohibited to a State Party under this Convention undertaken by persons or on territory under its jurisdiction or control.

### Article 10 | Settlement of disputes

1. The States Parties shall consult and cooperate with each other to settle any dispute that may arise with regard to the application or the interpretation of this Convention. Each State Party may bring any such dispute before the Meeting of the States Parties.
2. The Meeting of the States Parties may contribute to the settlement of the dispute by whatever means it deems appropriate, including offering its good offices, calling upon the States parties to a dispute to start the settlement procedure of their choice and recommending a time-limit for any agreed procedure.
3. This Article is without prejudice to the provisions of this Convention on facilitation and clarification of compliance.

### Article 11 | Meetings of the States Parties

1. The States Parties shall meet regularly in order to consider any matter with regard to the application or implementation of this Convention, including:
  - a) The operation and status of this Convention;
  - b) Matters arising from the reports submitted under the provisions of this Convention;
  - c) International cooperation and assistance in accordance with Article 6;
  - d) The development of technologies to clear anti-personnel mines;
  - e) Submissions of States Parties under Article 8; and
  - f) Decisions relating to submissions of States Parties as provided for in Article 5.
2. The first Meeting of the States Parties shall be convened by the Secretary-General of the United Nations within one year after the entry into force of this Convention. The subsequent meetings shall be convened by the Secretary-General of the United Nations annually until the first Review Conference.
3. Under the conditions set out in Article 8, the Secretary-General of the United Nations shall convene a Special Meeting of the States Parties.
4. States not parties to this Convention, as well as the United Nations, other relevant international organizations or institutions, regional organizations, the International Committee of the Red Cross and relevant non-governmental organizations may be invited to attend these meetings as observers in accordance with the agreed Rules of Procedure.

### Article 12 | Review Conferences

1. A Review Conference shall be convened by the Secretary-General of the United Nations five years after the entry into force of this Convention. Further Review Conferences shall be convened by the Secretary-General of the United Nations if so requested by one or more States Parties, provided that the interval between Review Conferences shall in no case be less than five years. All States Parties to this Convention shall be invited to each Review Conference.
2. The purpose of the Review Conference shall be:
  - a) To review the operation and status of this Convention;
  - b) To consider the need for and the interval between further Meetings of the States Parties referred to in paragraph 2 of Article 11;
  - c) To take decisions on submissions of States Parties as provided for in Article 5; and

- d) To adopt, if necessary, in its final report conclusions related to the implementation of this Convention.
3. States not parties to this Convention, as well as the United Nations, other relevant international organizations or institutions, regional organizations, the International Committee of the Red Cross and relevant non-governmental organizations may be invited to attend each Review Conference as observers in accordance with the agreed Rules of Procedure.

#### **Article 13** | Amendments

1. At any time after the entry into force of this Convention any State Party may propose amendments to this Convention. Any proposal for an amendment shall be communicated to the Depositary, who shall circulate it to all States Parties and shall seek their views on whether an Amendment Conference should be convened to consider the proposal. If a majority of the States Parties notify the Depositary no later than 30 days after its circulation that they support further consideration of the proposal, the Depositary shall convene an Amendment Conference to which all States Parties shall be invited.
2. States not parties to this Convention, as well as the United Nations, other relevant international organizations or institutions, regional organizations, the International Committee of the Red Cross and relevant non-governmental organizations may be invited to attend each Amendment Conference as observers in accordance with the agreed Rules of Procedure.
3. The Amendment Conference shall be held immediately following a Meeting of the States Parties or a Review Conference unless a majority of the States Parties request that it be held earlier.
4. Any amendment to this Convention shall be adopted by a majority of two-thirds of the States Parties present and voting at the Amendment Conference. The Depositary shall communicate any amendment so adopted to the States Parties.
5. An amendment to this Convention shall enter into force for all States Parties to this Convention which have accepted it, upon the deposit with the Depositary of instruments of acceptance by a majority of States Parties. Thereafter it shall enter into force for any remaining State Party on the date of deposit of its instrument of acceptance.

#### **Article 14** | Costs

1. The costs of the Meetings of the States Parties, the Special Meetings of the States Parties, the Review Conferences and the Amendment Conferences shall be borne by the States Parties and States not parties to this Convention participating therein, in accordance with the United Nations scale of assessment adjusted appropriately.
2. The costs incurred by the Secretary-General of the United Nations under Articles 7 and 8 and the costs of any fact-finding mission shall be borne by the States Parties in accordance with the United Nations scale of assessment adjusted appropriately.

#### **Article 15** | Signature

This Convention, done at Oslo, Norway, on 18 September 1997, shall be open for signature at Ottawa, Canada, by all States from 3 December 1997 until 4 December 1997, and at the United Nations Headquarters in New York from 5 December 1997 until its entry into force.

#### **Article 16** | Ratification, acceptance, approval or accession

1. This Convention is subject to ratification, acceptance or approval of the Signatories.
2. It shall be open for accession by any State which has not signed the Convention.
3. The instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.

## CONVENTION ON THE PROHIBITION OF THE USE, STOCKPILING, PRODUCTION AND TRANSFER OF ANTI-PERSONNEL MINES AND ON THEIR DESTRUCTION

### Article 17 | Entry into force

1. This Convention shall enter into force on the first day of the sixth month after the month in which the 40th instrument of ratification, acceptance, approval or accession has been deposited.
2. For any State which deposits its instrument of ratification, acceptance, approval or accession after the date of the deposit of the 40th instrument of ratification, acceptance, approval or accession, this Convention shall enter into force on the first day of the sixth month after the date on which that State has deposited its instrument of ratification, acceptance, approval or accession.

### Article 18 | Provisional application

Any State may at the time of its ratification, acceptance, approval or accession, declare that it will apply provisionally paragraph 1 of Article 1 of this Convention pending its entry into force.

### Article 19 | Reservations

The Articles of this Convention shall not be subject to reservations.

### Article 20 | Duration and withdrawal

1. This Convention shall be of unlimited duration.
2. Each State Party shall, in exercising its national sovereignty, have the right to withdraw from this Convention. It shall give notice of such withdrawal to all other States Parties, to the Depositary and to the United Nations Security Council. Such instrument of withdrawal shall include a full explanation of the reasons motivating this withdrawal.
3. Such withdrawal shall only take effect six months after the receipt of the instrument of withdrawal by the Depositary. If, however, on the expiry of that six-month period, the withdrawing State Party is engaged in an armed conflict, the withdrawal shall not take effect before the end of the armed conflict.
4. The withdrawal of a State Party from this Convention shall not in any way affect the duty of States to continue fulfilling the obligations assumed under any relevant rules of international law.

### Article 21 | Depositary

The Secretary-General of the United Nations is hereby designated as the Depositary of this Convention.

### Article 22 | Authentic texts

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

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

### 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.



**Handover ceremony of the Nairobi Declaration to landmine survivors Song Kosal and Tun Channareth** | Nairobi | 3 December 2004

### 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 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 25 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.

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

### **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.

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

*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.



This document was prepared by the Anti-Personnel Mine Ban Convention Implementation Support Unit to assist delegates participating in and journalists covering the Ninth Meeting of the States Parties.

The Implementation Support Unit is the standing support to the Convention and the States Parties. It was established at the Geneva International Centre for Humanitarian Demining pursuant to a 2001 formal decision of the States Parties.

The Implementation Support Unit is a cost-effective and innovative means to service the needs of the States Parties. It serves as the authoritative information source on the Convention and its implementation. It is funded on a voluntary basis by States Parties to the Convention.



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