

**Ending the suffering caused by antipersonnel mines:
Draft Nairobi Action Plan 2005-2009**

Introduction

1. Since the Convention entered into force, great progress has been made towards the goal of ending the suffering caused by antipersonnel mines. [One-hundred-forty-two] States have accepted the Convention. More than [31.4] million stockpiled mines have been destroyed. The world's most mine-affected States have joined the Convention. These States have made advances in clearing mined areas, having accepted a legally binding obligation to do so. Increased attention has been given to the care, rehabilitation and reintegration of landmine survivors. However, considerable challenges remain.

2. The Nairobi Action Plan is intended to provide concrete direction to the States Parties to overcome remaining challenges during the period 2005 to 2009. It not an exhaustive list of specific actions but indicates areas where the States Parties, formally and informally, could develop more detailed strategies. The development and execution of such strategies will be important to ensure that further necessary progress will have been made by 2009 towards the fulfillment of the Convention's humanitarian promise, its disarmament objectives and its potential to contribute to social and economic development.

I. Universalizing the Convention

3. Through the Convention's preamble, the States Parties have emphasized the desirability of attracting adherence of all States to this Convention. It is necessary during the 2005-2009 period, as also stated in the preamble, to demonstrate a continued determination "to work strenuously towards the promotion of (the Convention's) universalization in all relevant fora (...)". In this regard, between 2005 and 2009 the following actions should be undertaken:

- a. States Parties must remain vigorous in calling for acceptance of the Convention in all fora, including the United Nations General Assembly, the assemblies of regional organizations and relevant disarmament fora, through bilateral contacts, military-to-military dialogue, and other means. Together States Parties should continue to exchange information about and coordinate their universalization efforts. Individual States Parties should strengthen their universalization efforts, particularly within their own regions. In a similar manner, States Parties must continue to stigmatize and condemn any use of anti-personnel mines, placing special attention on those States outside of the Convention that use and / or produce or possess large stockpiles of anti-personnel mines.
- b. States Parties should highlight the benefits of Convention membership and the costs of remaining outside of it. States not parties should be made aware of the assistance available to them, through Article 6 and the mechanisms established to support implementation. At the same time, States Parties should highlight their longstanding commitment to provide assistance and cooperation for mine action primarily to those that have forsworn the use of anti-personnel mines forever through adherence to, implementation of, and compliance with the Convention. Moreover, States Parties should stress that they are fulfilling important security responsibilities without anti-personnel mines.
- c. The International Committee of the Red Cross (ICRC) and the International Campaign to Ban Landmines (ICBL), other organizations, parliamentarians and individual citizens should reinforce efforts to promote universal acceptance of the Convention. In addition, the United Nations and regional organizations should continue to actively promote universal acceptance of the Convention at all levels, recognizing that acceptance of the

Convention contributes to peace, security and human security, and reinforces the value of collective action in addressing pressing humanitarian problems.

- d. Individual States Parties in a position to do so should continue to facilitate the work of non-governmental organisations, the ICRC, the United Nations, and regional organizations, which engage, armed non-state-actors on a ban on antipersonnel mines.

II. Destroying stockpiled antipersonnel mine

4. The Convention seeks to fulfil its humanitarian imperative in part through disarmament – by obliging the States Parties to destroy existing antipersonnel mine stockpiles. The record of implementation has been impressive, with over [31.4] million mines destroyed and a 100 percent compliance rate. To ensure ongoing success in this area of implementation, the following actions should be undertaken during the period 2005 to 2009:

- a. Those [21] States Parties that still have to complete implementation of Article 4 must do everything in their power to destroy stockpiled antipersonnel mines under their jurisdiction or control in accordance with their deadlines. They should promptly identify the numbers and locations of stockpiled anti-personnel mines, develop and implement destruction programmes and furnish information on stockpiles and destruction programmes in accordance with Article 7. Should these States Parties require assistance, they should make their needs known in a timely manner and in doing so make clear their own contributions to their destruction programmes.
- b. With large numbers of stockpiles to be destroyed in the period covered by this action plan, more States Parties in a position to do so must provide assistance for stockpile destruction. In this regard, States Parties should pay particular attention to supporting the discovery and further development of technical destruction solutions to the problem of destroying PFM mines. Traditional donors may wish to take advantage of the fact that stockpile destruction can be coded as official development assistance (ODA) under Organization for Economic Cooperation and Development (OECD) rules. Non-traditional donors should contribute whatever assistance they can, be it technical expertise, material resources or funding.
- c. Regional organizations should expand their involvement in support for stockpile destruction. It is important to develop increased regional responses to requests for assistance including by providing technical expertise, material, and funding, and coordinating funding from other sources. States Parties should assist in developing expertise and capacity within regional and international organizations with an aim of expanding the base of support to stockpile destruction.

III. Clearing mined areas

5. *The Nairobi Summit* marks a half-way point between the Convention's entry into force and the year when the first deadlines for clearing mined areas in accordance with Article 5 will occur. Ensuring success in this area will be the most significant challenge facing the States Parties during the period 2005-2009.

- a. Mine-affected States Parties that have not yet done so, particularly those with Article 5 clearance deadlines that occur prior to 2010, must act with urgency to identify all areas under their jurisdiction or control in which antipersonnel mines are known or suspected to be emplaced.

- b. Efforts should proceed apace to further develop and implement plans to fulfil Article 5 deadlines. States Parties requiring assistance in doing so should make their needs known in a timely manner and in doing so make clear their own contributions to mine clearance.
- c. It is of utmost importance to ensure that few, if any, States Parties feel compelled to request an extension in accordance with Article 5, paragraphs 3-6 of the Convention. Mine-affected States Parties should therefore act with urgency and with an effective national commitment to fulfil their obligations under Article 5 of the Convention. States Parties in a position to do so and relevant organizations should respond to appeals for assistance.
- d. The risks to civilians posed by mined areas awaiting clearance need to be further minimized. Relevant States Parties should therefore increase their efforts to overcome the challenges posed to fulfilling the obligation to perimeter-mark, monitor and protect such areas. In addition, relevant States Parties should further implement mine risk education programmes which are based on careful assessments of needs. Such programmes should take age, gender, social, economic, political and geographical factors into consideration.
- e. Relevant States Parties should be able to participate in the fullest possible exchange of equipment, material and scientific and technological information concerning the implementation of the Convention. States Parties should therefore strengthen efforts to close the gap between end users of technology and those developing it. While work proceeds on developing new technologies, these actors should endeavour to ensure an adequate supply of existing technology, particularly mechanical clearance assets and mine detection dogs.

IV. Assisting the victims

6. For tens of thousands of landmine survivors around the world, the Convention holds the promise that the States Parties will act to assist in their care, rehabilitation and reintegration. The ultimate responsibility to do so rests with each State Party within which there are landmine victims. All States Parties in a position to do so are obliged to assist. All States Parties – regardless of whether there are a few or many landmine victims within their territory – must act to meet the care, rehabilitation and reintegration needs of landmine survivors. In addition, those approximately 20 States Parties in which there likely are hundreds or thousands – if not tens of thousands of landmine survivors – have a special responsibility to act:

- a. All relevant States Parties, if they have not yet done so, should enhance their mine victim data collection capacities. Such systems should be integrated into existing health information systems and full access to information should be ensured in order to support the needs of programme planners and resource mobilization.
- b. All relevant States Parties should enhance their health-care services in order to better respond to the immediate and ongoing needs of landmine survivors. Actions may include many ensuring that healthcare workers – as well as laypeople – in mine-affected areas are trained in emergency first-aid to respond effectively to landmine and other traumatic injuries; increasing the number of and training of trauma surgeons and nurses, ensuring that appropriate training is as an integral component of studies in medical schools and continuing education; and, ensuring that improvements are made to health-care infrastructure and that facilities have the equipment, supplies and medicines necessary to meet basic standards.
- c. As physical rehabilitation and prosthetic services are preconditions to the full recovery and reintegration of landmine survivors, all relevant States Parties should increase national physical rehabilitation capacity. The number of trained rehabilitation specialists

including doctors, nurses, physiotherapists and orthopedic technicians should be increased. All relevant actors should be engaged with a view to ensuring effective coordination in advancing the quality of care and increasing the numbers of individuals assisted.

- d. All relevant States Parties should increase national psychological support and social reintegration capacity. Such efforts should involve the engagement of all relevant actors – including mine victims.
- e. Economic reintegration of landmine survivors must be seen in the broader context of economic development. All relevant States Parties should therefore build and develop sustainable economic activities in mine-affected areas that would benefit not only mine survivors but their communities.
- f. All relevant States Parties should establish, if they have not yet done so, and hence fully implement, legislation and policies to address the needs and rights of mine survivors, and more generally to improve rehabilitation and socio-economic reintegration services for all persons with disabilities.
- g. Meeting the care, rehabilitation and reintegration needs of landmine survivors is a profound challenge for many States Parties and is complicated by broader development context within which this challenge is located. It is essential, therefore, for States Parties in a position to do so to act upon their obligation to provide assistance during the period 2005-2009 by responding to the priorities for support articulated by those States Parties requiring it.

V. Matters essential for achieving the Convention's aims

Cooperation and assistance

7. The Convention is an example of how collective action can address a pressing humanitarian problem. While the responsibility to fulfill various obligations rests with each individual State Party, the Convention emphasises the central importance of cooperation and assistance. It will be as important during the 2005-2009 period to ensure the effectiveness of the Convention's cooperation mechanisms as it has been in the past. During this period, all States Parties must ensure that the necessary financial, material and political commitments are in place to fulfill the aims of the Convention, taking, inter alia, the following actions:

- a. Mine-affected States Parties must increasingly assume national ownership in fulfilling their Convention obligations. Where relevant, they should integrate mine action and victim assistance in national development plans and poverty reduction strategies, thereby signalling the importance they attach to fulfilling their obligations and communicating their ongoing needs for assistance.
- b. States Parties in a position to do so must continue to respond to these calls for assistance. The sustainability of their commitment should be ensured through means such as mainstreaming mine action into broader humanitarian and development assistance programmes.
- c. The United Nations and other international or regional organizations, and the World Bank and the regional development banks should do what they can to ensure ongoing support for States Parties requiring assistance. This should be done in part by further integrating mine action into the United Nations Consolidated Appeals process and by making opportunities for development loans and grants to fulfill Convention obligations well-known to the States Parties. Moreover, States Parties should use their positions as

members of decision-making bodies of relevant organisations to increase involvement in support of the implementation of the Convention.

- d. All actors should strive vigorously to increase the efficiency and cost effectiveness of implementation efforts. Such measures could include reducing the need for expensive expatriate personnel, further building national management, coordination and implementation capacity as well as generally removing impediments to ensuring that necessary equipment and other assets are in place.

Transparency and the exchange of information

8. Transparency and an open exchange of information both build confidence between States Parties and constitute the foundation for cooperation. The States Parties and others should continue to use both formal and informal means to be transparent and to exchange information.

- a. Those few States Parties which have not yet done so should act with urgency to submit their initial transparency reports. The Secretary-General of the United Nations, as the recipient of these reports, should call upon these States to do so.
- b. All States Parties should report annually to the United Nations Secretary-General in accordance with their legal obligations to do so. Annual transparency reports are of particular importance from those States Parties which must still destroy stockpiled mines, clear mined areas or take legal or other measures referred to in Article 9, or which have retained mines for activities permitted in Article 3. In furnishing their reports, relevant States Parties should take full advantage of the flexibility of the reporting process to provide supplementary information which may assist in the implementation process and in resource mobilisation.
- c. States Parties should consider reporting voluntarily on matters pertaining to compliance and implementation not covered by the formal reporting requirements contained in Article 7. Of particular value would be such reports on assistance provided for the care and rehabilitation, and social and economic reintegration, of mine victims. For their part, States not parties, particularly those which have professed support for the object and purpose of the Convention, should consider providing voluntary transparency reports.
- d. States Parties should continue to make full use of all informal means to exchange information, through the established mechanisms such as the Intersessional Work Programme, as well as through voluntary efforts, particularly on a regional basis.

Preventing and suppressing prohibited activities, and facilitating compliance

9. The primary responsibility for ensuring compliance with the Convention rests with each State Party, in particular by establishing and applying, as necessary, measures outlined in Article 9. In addition, the States Parties have agreed to consult and cooperate with each other regarding the implementation of the Convention and to work in a spirit of cooperation to facilitate compliance. In fulfilling this responsibility and living up to this agreement, the States Parties should act as follows:

- a. States Parties, which have not yet done so, should take legal and other measures in accordance with Article 9 to prevent and suppress prohibited acts and communicate that such measures have been taken in accordance with Article 7.
- b. In the event of serious concerns of non-compliance, States Parties should apply the measures that they have taken. Moreover, as necessary they should seek clarification of concerns of non-compliance in a cooperative spirit in accordance with Article 8.