

A SHARED COMMITMENT
DRAFT CARTAGENA ACTION PLAN 2010 - 2014
ENDING THE SUFFERING CAUSED BY ANTI-PERSONNEL MINES

17 July 2009

Introduction

Reaffirming their unconditional commitment to the universalization and the full and effective implementation of the Convention,

Guided by the knowledge that individually and collectively they are responsible for ensuring compliance with the Convention,

Pursuing a gender-sensitive, age-appropriate, coherent and coordinated approach to the implementation of relevant national policies, plans, legal frameworks and instruments of international law,

Acknowledging that particular regional, national and local circumstances may warrant specific adaptations of their actions,

Building on the accomplishments made in applying the Nairobi Action Plan 2005-2009 and the conclusions on implementation adopted at the Nairobi Summit on a Mine-Free World,

Recognizing the special partnerships in the implementation of the Convention with the United Nations, the International Committee of the Red Cross and the International Campaign to Ban Landmines,

The States Parties agree to undertake the following actions in the period 2010 – 2014, in support of enhanced implementation and promotion of the Convention:

I. Universalizing the Convention

Universal adherence to the Convention and acceptance of its norm remain essential to achieving a world free of anti-personnel mines. To this end:

All States Parties will:

- Action #1:** Seize every opportunity to promote ratification of and accession to the Convention.
- Action #2:** Seize every opportunity to promote and encourage adherence to the norms of the Convention.
- Action #3:** Seize every opportunity to promote universal observance of the Convention's norms by armed non-state actors.
- Action #4:** Condemn, continue to stigmatize and discourage in every possible way any use of anti-personnel mines by any actor.

II. Destroying Stockpiled Anti-personnel mines

States Parties are resolved to ensure the expeditious and timely destruction of all stockpiled anti-personnel mines in accordance with Article 4, limit to the absolute minimum necessary the number of

anti-personnel mines retained under Article 3, prevent further cases of non-compliance, and report as required by Article 7 and in line with the recommendations made by the Ninth Meeting of the States Parties. To this end:

States Parties that have missed their deadlines for completion of obligations under Article 4, and thus remain non-compliant with the Convention, will:

Action #5: Immediately comply with Article 4, by committing adequate national resources to fulfil their obligations and, if relevant, actively pursue assistance to this end, present a national plan to ensure immediate compliance, including a completion date and report progress on their efforts to the Co-Chairs of the Standing Committee on Stockpile Destruction on a monthly basis.

State Parties yet to complete their obligations under Article 4 will:

Action #6: Take all necessary steps to comply with Article 4, by developing necessary national policies, plans and legal frameworks and destruction capacity and report progress to the Standing Committee on Stockpile Destruction.

States Parties that have retained mines under Article 3 of the Convention will:

Action #7: Annually review the number of mines retained to ensure that they constitute the minimum number absolutely necessary for the purposes permitted by the Convention and destroy all those exceeding that number, report on the plans for and actual use of such mines, explain any increase or decrease in the number of retained mines and explore available alternatives to using live mines for training and research activities.

All States Parties will:

Action #8: Encourage States Parties that have maintained, under the provisions of Article 3, the same number of mines over periods of years and have not reported on the use of such mines for permitted purposes or on concrete plans for their use, to report on such use and such plans, review whether these mines are needed and constitute the minimum number absolutely necessary for permitted purposes and destroy those that are in excess of this number.

Action #9: When previously unknown stockpiles are discovered after stockpile destruction deadlines have passed, report such discoveries in accordance with their obligations under Article 7, and in addition take advantage of other informal means to share such information as soon as possible and destroy these mines as a matter of urgent priority.

III. Clearing Mined Areas

States Parties are resolved to ensure the expeditious identification of all mined areas under their jurisdiction or control and to ensure the clearance and release of these areas as soon as possible, even if an extension has been granted. The speed and manner of mine clearance will have crucial implications for development, human security and the safety and well-being of affected individuals and their communities. To this end:

The State Parties that have been granted an extension to their initial Article 5 deadline will:

Action #10: Complete implementation of Article 5 as soon as possible but not later than their extended deadlines, ensure progress toward completion proceeds in accordance with the commitments made in their extension requests and the decisions taken on their requests, and report regularly on such progress to the Standing Committee on Mine

Clearance, Mine Risk Education and Mine Action Technologies and as required under Article 7 of the Convention.

States Parties that have reported mined areas under their jurisdiction or control will do their utmost to:

- Action #11:** Ensure that all available methods for the full and expedient implementation of Article 5 (1), as recommended by States Parties at the Ninth Meeting of the States Parties, are applied where and as relevant, by developing and implementing applicable national standards, policies and procedures for releasing land through technical and non-technical means that are accountable and acceptable to local communities, including through the involvement of women and men in the acceptance process.
- Action #12:** Take full national ownership of their Article 5 obligations by developing, implementing and regularly reviewing national mine action strategies and associated policies, plans, budget policies and legal frameworks, and inform the Standing Committee on Mine Clearance, Mine Risk Education and Mine Action Technologies on their implementation.
- Action #13:** Identify, if they have not yet done so, the precise perimeters of locations, to the extent possible, of all areas under their jurisdiction or control in which anti-personnel mines are known or are suspected to be emplaced, report this information as required by Article 7, no later than the Tenth Meeting of the States Parties, and incorporate the information into national action plans and relevant broader development and reconstruction plans.
- Action #14:** Provide annually, in accordance with Article 7, precise information on the number, location and size of mined areas, plans to clear or otherwise release these areas and indications of the technical or non-technical means utilised.
- Action #15:** Provide access to all mined areas where access may be difficult or contested, including border areas, without prejudice to potential border delimitation, to ensure that clearance can proceed as soon as possible, making use of the good offices of Presidents of Meetings of the States Parties or Review Conferences or other third parties.
- Action #16:** If exceptional circumstances necessitate, request an initial extension of their deadlines for completing implementation of Article 5, paragraph 1 in order to obtain clarity regarding the remaining challenge, produce a detailed plan for Article 5 compliance and subsequently submit a second extension request based on that plan.
- Action #17:** When developing requests for extensions of deadlines for completing implementation of Article 5, paragraph 1, utilise the opportunity for informal dialogue with the President, Co-Chairs and Co-Rapporteurs prior to formal submission of the request.
- Action #18:** Provide mine risk reduction and education programmes to communities at risk that are in coherence with national standards and the International Mine Action Standards, age-appropriate and gender-sensitive, tailored to their needs, and integrated into education systems, mine action, relief and development activities.
- Action #19:** Involve and include affected local communities and survivors and all relevant national and international actors in mine action coordination at all relevant levels.

All States Parties will:

Action #20: When previously unknown mined areas are discovered after 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 the mines in these areas as a matter of urgent priority.

IV. Assisting the Victims

The full and effective participation and inclusion of mine survivors, and the families of those killed or injured, in the social, cultural, economic and political life of their communities is the ultimate aim and principal focus of the States Parties' victim assistance efforts. The pursuit of this aim calls for a process with specific objectives for all aspects of victim assistance that is integrated into broader frameworks, such as disability, development and human rights, to ensure that high standards are met, that services are available and accessible, and that rights are guaranteed.

To enhance victim assistance efforts, States Parties, particularly those accountable to and responsible for the well-being of significant numbers of landmine victims, will do their utmost to:

Action #21: Ensure that those injured by landmines become survivors, including through strengthening emergency medical capabilities, particularly in rural and in remote areas.

Action #22: Develop, if they have not yet done so, a comprehensive national plan of action that addresses all aspects of victim assistance with objectives that are specific, measureable, achievable, realistic, and time bound, ensuring that such a plan takes into account broader national policies, plans and legal frameworks that promote and guarantee the rights of landmine victims in accordance with the highest international standards, and thereafter implement, monitor and evaluate the implementation of such a plan.

Action #23: Establish, if they have not yet done so, an inter-agency coordination mechanism for the development, implementation, and monitoring of appropriate national policies, plans and legal frameworks, involving the full and active participation of landmine survivors and other relevant stakeholders, and ensuring that the entity is assigned primary responsibility for overseeing this coordination and has the authority and resources to carry out its task.

Action #24: Enhance the collection of appropriate data to develop, implement, monitor and evaluate the implementation of relevant national policies, plans and legal frameworks, and link such data with national injury surveillance and other relevant data collection systems.

Action #25: Integrate victim assistance into development and poverty reduction strategies, ensuring that appropriate services are available to facilitate the full and active participation of landmine victims on an equal basis with others.

Action #26: Ensure that capacity building and training plans are developed and implemented to promote high quality standards and availability of age-appropriate and gender-sensitive services in all components of victim assistance, and enhance the capacity of both women and men and national institutions charged with implementing national policies, plans and legal frameworks, including through the provision of adequate resources.

- Action #27:** Increase accessibility of both female and male landmine victims to quality services and to overcome physical, social, cultural, economic and political barriers, with a particular focus on rural and remote areas.
- Action #28:** Ensure the continued involvement and effective contribution in all relevant Convention-related activities by health, rehabilitation, social services, employment, gender and disability rights experts and landmine survivors, inter alia by encouraging the inclusion of such individuals on their delegations, particularly on the part of those State Parties responsible for the greatest number of landmine victims and relevant organisations.
- Action #29:** Enhance monitoring on progress in the achievement of victim assistance goals in the 2010-2014 period by affording relevant States Parties the opportunity to report to all States Parties on the status of their victim assistance efforts, including resources allocated to implementation and challenges in achieving their objectives, to promote transparency and accountability, and encouraging States Parties in a position to do so to also report on how they are responding to such challenges.

V. International Cooperation and Assistance for achieving the Convention's aims

States Parties recognize that fulfilling their obligations will require sustained substantial political, financial and material commitments, provided both through national commitments and international, regional and bilateral cooperation and assistance, in accordance with the obligations under Article 6 (3) and 6 (4).

To this end:

States Parties with obligations to destroy stockpiled mines, identify and clear mined areas, and assist mine victims, will:

- Action #30:** Without delay, and no later than the Tenth Meeting of the States Parties, develop or update national plans as well as map the national resources available to meet their obligations and the needs for international cooperation and assistance.
- Action #31:** Make their needs known to other States Parties and relevant organisations if they require financial, technical or other forms of international cooperation and assistance to meet obligations under the Convention, and identify these activities as a priority in relevant development goals and strategies.
- Action #32:** Promote technical cooperation, information exchange good practices and other forms of mutual assistance with other affected States Parties to take advantage of the knowledge and expertise acquired in the course of fulfilling their obligations.

States Parties in a position to do so will:

- Action #33:** Act upon their obligations under Article 6 (3) and 6 (4) to promptly assist States Parties that have communicated needs for support for stockpile destruction, mine clearance, mine risk education and victim assistance, responding to the priorities for assistance as articulated by mine-affected States Parties themselves in their national plans and ensuring the continuity and sustainability of resource commitments.
- Action #34:** Support specialised mine action programmes, providing where possible multi-year funding to facilitate long-term planning of mine action and victim assistance programmes, under national management and ownership, paying particular attention

to the specific needs and circumstances of the least developed States Parties, and ensuring that mine action remains a high priority, including in broader humanitarian and development assistance programmes.

Action #35: In the spirit of the Convention's aims, endeavour to continue supporting States Parties that have completed their Article 5 obligations, in their efforts to address other mine and explosive ordnance problems that continue to pose a threat to the civilian population.

Action #36: Ensure that international cooperation and assistance, including development cooperation, is age-appropriate and gender-sensitive and inclusive of, and accessible to, persons with disabilities, including landmine survivors.

Action #37: Continue to support, as appropriate, mine action to assist affected populations in areas where armed non-state actors operate.

All States Parties will:

Action #38: Ensure that mine action activities of the United Nations, 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 #39: Develop and promote regional cooperation in sharing and effectively using national experiences and good practices, resources, technology and expertise in stockpile destruction, mine clearance and in addressing the rights and needs of landmine victims and other persons with disabilities, to implement the Convention and to engage the cooperation of regional organizations.

Action #40: Strengthen the partnerships between affected and non-affected States Parties and among affected States Parties to identify and mobilise new technical, material and financial sources of support for activities to implement the Convention.

Action #41: Contribute to further development of the International Mine Action Standards to be used as a frame of reference to establish national standards and operational procedures for addressing mine and other explosive ordnance contamination.

Action #42: In recognition of the pivotal role of mine action in meeting the UN Millennium Development Goals, continue to promote the inclusion of all mine action activities, with emphasis on clearance, mine risk education and assistance to all survivors and their affected families and communities, into ongoing development programmes.

Action #43: Continue to promote the identification of mine action as a priority in local, national and international development actions, in cooperation with regional and international organizations and the international financial institutions.

Action #44: Ensure cooperation among all relevant actors 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 appropriate surveys, needs analysis, age-appropriate and gender-sensitive strategies and cost-effective approaches.

VI. Additional actions essential to achieving the Convention's aims

Compliance

Action #45: All States Parties will, in case of alleged or known non-compliance with the Convention, act upon their obligations in Article 8, paragraph 1 of the Convention including by encouraging current and incoming Presidents of Meetings of the States Parties or Review Conferences and Co-Chairs of relevant Standing Committees to work together with the States Parties concerned to resolve the matter expeditiously in a manner consistent with Article 8 (1).

Reporting and transparency

States Parties that have not submitted their initial Article 7 report will:

Action #46: Immediately fulfil their obligation to initially submit and annually update Article 7 transparency reports.

All States Parties will:

Action #47: Maximise and take full advantage of the flexibility of the Article 7 reporting process as a tool to assist in implementation, including through the reporting format's "Form J" to provide information on matters which may assist in the implementation process and in resource mobilization, such as information on international cooperation and assistance, victim assistance efforts and needs and information on measures being taken to ensure gender sensitization in all aspects of mine action.

Action #48: Exchange views and share their experiences in a cooperative and informal manner on the practical implementation of the provisions of the Convention, and continue to promote effective and consistent implementation of the Convention.

Action #49: Encourage States not Parties, particularly those that have professed support for the humanitarian objectives of the Convention, to participate in the work of the Convention.

Accountability

States Parties that have not developed national implementation measures will:

Action #50: As a matter of urgency, develop and adopt legislative, administrative and other measures in accordance with Article 9, to fulfil their obligations under this Article and thereby contributing to full compliance with the Convention.

All States Parties will:

Action #51: Share information on implementing legislation and its application through reports made in accordance with Article 7 and the Intersessional Work Programme.

Action #52: Recognize that when armed non-state actors operate in areas under States Parties' jurisdiction or control, such non-state actors will be held accountable for violations of the Convention in accordance with national measures taken under Article 9.

*Implementation partnerships and support***All States Parties will**

Action #53: Recognize and further encourage the full participation in and contribution to the implementation of the Convention by the United Nations, the International Committee of the Red Cross, other international and regional organizations, the International Campaign to Ban Landmines, landmine survivors and their organizations, and other civil society organizations.

Action #54: Support the efforts of the President and the Coordinating Committee to ensure effective and transparent preparations and conduct of meetings of the Convention.

Action #55: Recognize the essential role of the Implementation Support Unit, hosted by the Geneva International Centre for Humanitarian Demining, in implementing the Convention, including by preparing the meetings of the Standing Committees, the Meetings of the States Parties, supporting the President and the Coordinating Committee, and by administering the Sponsorship Programme.

Action #56: Provide the necessary financial resources for the effective operation of the Implementation Support Unit.

States Parties in a position to do so will:

Action #57: Contribute to the Sponsorship Programme thereby permitting widespread representation at meetings of the Convention, particularly by mine-affected developing States Parties.