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

Prepared by the President-Designate

1. Since the Convention entered into force, **great progress has been made** towards ending the suffering caused by antipersonnel mines. [One-hundred-forty-three] States have accepted the Convention and many of its norms enjoy even broader de facto observance within the international community of nations. Whereas antipersonnel mines were until recently in widespread use, their deployment is now rare, their production has decreased dramatically and trade in this weapon has virtually ceased. States Parties have destroyed over 37 million stockpiled mines. Major strides have been made in clearing mined areas. The number of new victims has fallen significantly and more of those who have survived are receiving assistance. In sum, the Convention and the progress it has engendered to date represent a remarkable achievement in modern annals of international disarmament and humanitarian cooperation, and demonstrate the great potential of effective multilateral cooperation when governments, international institutions and civil society are united in a common cause.
2. However, **considerable challenges remain**. Many States remain outside the Convention, including important military powers – some intent on maintaining vast arsenals of existing or new types of antipersonnel mines. Some States Parties face impending deadlines for the destruction of substantial stockpiles. Dozens of countries continue to need assistance reclaiming valuable land. And most important, though progress has been made, the devastating human toll persists as these indiscriminate weapons claim thousands of innocent victims each year and paralyse normal life and development prospects in hundreds of communities around the world.
3. Against this background, the States Parties are determined to preserve their achievements to date, to sustain and strengthen the effectiveness of their cooperation under the Convention, and to spare no effort to meet the disarmament and humanitarian challenges ahead. They are convinced that such efforts will also advance the broader aims of peace, security, development and justice enshrined in the Charter of the United Nations (UN) and articulated in the global summits and world conferences of the 1990s and reaffirmed in the UN Millennium Declaration.
4. We, the States Parties in accordance with the Nairobi Declaration thus reaffirm our unqualified commitment to the full and effective promotion and implementation of the Convention, in full cooperation with all concerned partners, who have performed – and must

continue to play – an essential part in advancing our shared humanitarian cause. Our collective efforts to that end over the next five years will include a particular focus on the priority actions and strategies set out below – intended **to achieve major progress towards ending, for all people and for all time, the suffering caused by anti-personnel mines.**

I. Universalizing the Convention

5. 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, over 70 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 antipersonnel mines will be ultimately realized, will lie in the achievement of truly effective and comprehensive global 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:

- Commitment #1: **Attach priority to effectively addressing universalization challenges presented by States not parties** 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 significance or other reason.
- Commitment #2: **Accord particular attention 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.
- Commitment #3: **Persistently encourage those nine signatories of the Convention that have not yet ratified it to do so as soon as possible.**
- Commitment #4: **Seize every appropriate opportunity to promote adherence to the Convention** in bilateral contacts, military-to-military dialogue, national parliaments, and the media.
- Commitment #5: **Actively promote adherence in all relevant multilateral fora**, including the UN General Assembly, assemblies of regional organizations and relevant disarmament bodies.
- Commitment #6: **Continue promoting universal observance of the Convention’s norms**, by condemning, and taking appropriate steps to discourage, the use, production and trade of anti-personnel mines by armed non-state actors.

Commitment #7: **Continue to urge and support involvement and active cooperation in these 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 Antipersonnel Mines

6. The Convention requires all States Parties to destroy stockpiled antipersonnel 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 antipersonnel mines under their or jurisdiction or control.** To this end:

The [19] State Parties yet to complete their destruction programmes will:

- Commitment #8: **Establish the number and locations** of stockpiled anti-personnel mines, and report this information as required by Article 7.
- Commitment #9: **Establish appropriate national and local capacities** to meet their Article 4 obligations.
- Commitment #10: **Strive to complete their destruction programmes well in advance** of their four-year deadlines.
- Commitment #11: **Clearly outline their problems, plans and priorities for assistance** in a timely manner and disclose their own contributions to their programmes in situations where financial, technical or other assistance is required to meet destruction obligations.

States Parties in a position to do so will:

- Commitment #12: **Promptly assist those with clearly demonstrated needs** for external support, and examine the full range of sources available to support stockpile destruction, including, where appropriate, through development assistance and cooperation programmes.

All States Parties will:

- Commitment #13: **In rare instances when previously unknown stockpiles are discovered** after destruction deadlines have passed, report such discoveries immediately and destroy these mines as a matter of urgent priority.

Commitment #14: **Enhance or develop effective regional responses** to meet requirements for technical, material and financial assistance for stockpile and invite the cooperation of relevant regional and technical organizations in this regard.

Commitment #15: **Support the investigation and further development of technical solutions to overcome the particular challenges associated with destroying PFM mines.**

III. Clearing Mined Areas

7. The Convention requires each State Party to ensure the destruction of all antipersonnel mines in mined areas under its jurisdiction or control as soon as possible but not later than 10 years after assuming Convention obligations. At the midpoint between the Convention's entry into force and the first deadlines, it is evident that success in this area represents the most significant challenge to be addressed in the coming five years. The speed and manner with it is pursued will have crucial implications for the safety and well-being of affected citizens and communities. **The States Parties are thus committed to an intensive, accelerated effort to ensure the most effective and most expeditious possible fulfilment of Article 5 obligations – and – to fulfil their obligations to reduce risk to populations – in the period 2005-2009.** In particular:

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

Commitment #16: **Urgently identify all areas** under their jurisdiction or control in which antipersonnel mines are known or are suspected to be emplaced.

Commitment #17: **Urgently develop and implement national plans** to fulfil their obligations, consulting as appropriate with affected communities, and seeking to eliminate high and medium impact areas as a matter of particular priority and to complete clearance obligations well in advance of the ten-year deadline.

Commitment #18: **Reduce risks to populations and the number of new mine victims**, including by increasing efforts to perimeter-mark, monitor and protect mined areas awaiting clearance in order to ensure the effective exclusion of civilians, as required by Article 5, paragraph 2.

Commitment #19: **Increase, enhance and implement mine risk education programmes** to save lives, promote mutual understanding, reconciliation 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.

Commitment #20: **Make their problems, plans and priorities for assistance known** to other States Parties, the UN, regional organizations, the ICRC and specialized non-governmental and other organizations, clarifying their own contributions to meet these challenges.

States Parties in a position to do so will:

Commitment #21: **Act upon their obligation to provide support**, responding to priorities for assistance articulated by mine-affected States Parties.

All States Parties will:

Commitment #22: **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 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 standard operating procedures.

Commitment #23: **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** and to further close the gap between end users of technology and those developing it.

Commitment #24: **Share information on – and advance – mine action technologies and best practices**, continuing to enhance mine detection and mine clearance technologies; and, while work proceeds on developing new technologies, **seek to ensure an adequate supply of existing technologies**, particularly mechanical clearance assets and biosensors, including mine detection dogs.

Commitment #25: **Strive to ensure that few, if any, States Parties will feel compelled to request an extension** in accordance with Article 5, paragraphs 3-6 of the Convention, recognising that clearing antipersonnel mines as soon as possible is vital to achieving the ultimate promise of the Convention and recalling that a possible extension of the deadline set out in Article 5 will only be made if the State Party concerned reports on all its completed activities and provides a detailed and prioritized work plan for full completion of its mine clearance, with a clearly defined and urgent timeframe.

Commitment #26: **Monitor progress in the achievement of mine clearance goals and the identification of assistance needs**, continuing to use the Intersessional Work Programme and regional meetings as fora for mine-affected States Parties to present their problems, plans, progress and priorities for

assistance, and Article 7 reporting to communicate progress in identifying mined areas, the types and quantities of anti-personnel mines in each mined areas and that have been cleared, the status of demining plans and programmes, and the measures taken to provide immediate and effective warning to the population regarding all mined areas.

IV. Assisting the Victims

8. The Convention's provisions on assistance for the care, rehabilitation and reintegration of mine victims constitute a vital promise for hundreds of thousands of landmine 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 it is a responsibility of those whose citizens suffer the tragedy of mine accidents. This is especially the case for those 22 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. The Convention obliges all States Parties in a position to do to respond. Recognizing the solemn trust they owe to mine victims throughout the world, and emphasizing the crucial role to be played by international and regional organizations, international financial institutions, non-governmental and other organizations, **the States Parties will actively support care, rehabilitation and reintegration needs of landmine victims during the period 2005-2009.** In particular:

States Parties, particularly those with the greatest numbers of landmine victims, will:

Commitment #27: **Establish and enhance health-care services needed to respond to immediate and ongoing medical needs of landmine 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.

Commitment #28: **Increase national physical rehabilitation capacity** to ensure effective provision of rehabilitation and prosthetic services that are preconditions to full recovery and reintegration of landmine victims: 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 landmine victims; 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 develop guidelines for the implementation of prosthetics and orthopaedic programmes.

- Commitment #29: **Increase capacities to meet the psychological reintegration and social support needs of landmine victims**, articulating best practices and achieving standards of treatment and support on a par with those for physical rehabilitation, and engaging all relevant actors – including mine victims and their families and communities.
- Commitment #30: **Actively support the economic reintegration of landmine victims**, developing sustainable economic activities in mine-affected areas to benefit mine victims, their families and communities, integrating such efforts in the broader context of economic development, and striving to ensure significant increases of economically reintegrated landmine victims.
- Commitment #31: **Ensure that national legal and policy frameworks effectively address the needs of landmine victims**, establishing as soon as possible, legislation and policies needed to address the needs and rights of mine victims, and assuring effective rehabilitation and socio-economic reintegration services for all persons with disabilities.
- Commitment #32: **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 mobilization.
- Commitment #33: **Ensure in all victim assistance efforts that due regard is given to age and gender considerations and to landmine victims who are subject to multiple forms of discrimination.**

States Parties in a position to do so to will:

- Commitment #34: **Act upon their obligation to provide support**, responding to priorities for assistance articulated by those in need, paying particular attention to the specific needs and circumstances of the countries concerned.

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

- Commitment #35: **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.

Commitment #36: **Ensure effective integration of landmine victims** in the work of the Convention, inter alia by encouraging States and organizations to include victims on their delegations, and ensuring effective participation in all relevant deliberations by actors with primary responsibility for implementing victim assistance obligations.

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

A. Cooperation and Assistance

9. While individual States Parties are responsible for implementing Convention obligations in areas within their jurisdiction or control, the Convention's cooperation and assistance provisions afford the essential framework within those responsibilities can be fulfilled and shared goals of the Convention 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 landmine victims will:

Commitment #37: **Ensure that, where relevant, clearing mined areas and assisting victims are identified as priorities 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.

Commitment #38: **Clarify roles for the United Nations and other humanitarian and development actors in the implementation of their national plans** and the establishment of priorities, ensuring all activities undertaken on their territory are consistent with national priorities.

Commitment #39: **Call on relevant actors for cooperation** to improve national and international policies and development strategies, enhance effectiveness in mine action, reduce the need for expensive expatriate personnel and ensure assistance in mine action is based on adequate surveys, needs analysis and cost effective approaches.

Commitment #40: **Promote technical cooperation, information exchange and other assistance among themselves** 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:

- Commitment #41: **Fulfil their responsibility to provide assistance** to those requiring it, responding to calls for support from those States Parties in need, with a particular view to the first mine clearance deadlines occurring in 2009.
- Commitment #42: **Ensure the sustainability of their commitments** through means such as integrating mine action into broader humanitarian and / or development assistance programmes as appropriate and providing multi-year funding to facilitate long-term planning of mine action and victim assistance programmes, and, in doing so pay particular attention to the specific needs and circumstances of the least developed States Parties.
- Commitment #43: **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 who have agreed to abide by the Convention's norms.

All States Parties will:

- Commitment #44: **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.
- Commitment #45: **Urge the UN and other international or regional organizations, and the World Bank and the regional financial institutions and development banks to do their utmost to support States Parties requiring assistance in the fulfilment of their Convention obligations**, and, in this regard, call for: the integration of mine action into the United Nations Consolidated Appeals Process; relevant actors to make States Parties aware of opportunities for development loans and grants; and, increased support of Convention objectives through States Parties' participation in decision-making bodies of all relevant organizations.
- Commitment #46: **Develop or strengthen regional commitments** 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.
- Commitment #47: **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

10. 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 (e.g., Article 7 reporting and Meetings of the States Parties) and informal means (e.g., the Intersessional Work Programme and voluntary regional events). 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:

- Commitment #48: **Urge the [eight] States Parties which have not yet done so to fulfil their obligation to provide initial transparency reports** under Article 7 without further delay, requesting that the Secretary-General of the United Nations, as the recipient of these reports, call upon these States Parties to provide their reports.
- Commitment #49: **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 landmine victims or take legal or other measures referred to in Article 9.
- Commitment #50: **Take full advantage of the flexibility of the reporting process to provide supplementary information** on matters not specifically required by Article 7 but which may assist in the implementation process and in resource mobilization, particularly including information on mine victim assistance efforts and needs.
- Commitment #51: In situations where States Parties have retained mines in accordance with the exceptions in Article 3, **provide information on a voluntary basis 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.
- Commitment #52: **Continue to exchange views and share their experiences on the practical implementation of the various provisions of the Convention,** including Articles 1, 2 and 3, to promote effective and consistent application of these provisions.
- Commitment #53: **Continue to encourage the invaluable** participation in the work of the Convention by the ICBL, the ICRC, the United Nations, the GICHD, and regional and other organizations.

- Commitment #54: **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.
- Commitment #55: **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

11. Primary responsibility for ensuring compliance with the Convention rests with each State Party and 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. 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:

- Commitment #56: **Develop and adopt legislative measures** in accordance with Article 9 as soon as possible to establish the foundation to fulfil their compliance responsibilities, and report annually on progress as required by Article 7.
- Commitment #57: **Make needs known to the ICRC or other relevant actors** in instances when assistance is required to develop implementing legislation.
- Commitment #58: **Integrate Convention prohibitions and requirements into their military doctrine** as soon possible.

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

- Commitment #59: **Share information on the application of implementing legislation** through means such as Article 7 reports and the Intersessional Work Programme, thus promoting transparency and sharing lessons from the enforcement of national compliance measures.

All States Parties will:

- Commitment #60: 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, with the expectation that the United Nations Secretary-General will fulfil his responsibilities as contained in the Article.

Commitment #61: In instances when armed non-state actors are operating in areas under States Parties' jurisdiction, **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

12. 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 and in this regard the States Parties are committed to supporting them.** To this end:

All States Parties will:

Commitment #62: **Maintain an effective, well-prepared work programme**, of both informal meetings of the Standing Committees and formal Meetings of the States Parties, guided by their commitment to partnership and cooperation, and characterized by flexibility, informality and continuity.

Commitment #63: **Support the efforts of the Coordinating Committee** to ensure effective and transparent preparation of meetings.

Commitment #64: **Continue to count on the Geneva International Centre for Humanitarian Demining** for the support it has provided in hosting the meetings of the Standing Committees, through the Implementation Support Unit, and by administering the Sponsorship Programme.

Commitment #65: Fulfil their responsibility to **provide on a voluntary basis the necessary financial resources for the operation of the Implementation Support Unit.**

Commitment #66: **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:

Commitment #67: **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 sharing information on their problems, plans, progress and priorities for assistance.
