

SECOND REVIEW CONFERENCE OF THE
STATES PARTIES TO THE CONVENTION
ON THE PROHIBITION OF THE USE,
STOCKPILING, PRODUCTION AND
TRANSFER OF ANTI-PERSONNEL MINES
AND ON THEIR DESTRUCTION

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PREPARING FOR THE SECOND REVIEW CONFERENCE

DISCUSSION PAPER

PRESIDENT-DESIGNATE OF THE SECOND REVIEW CONFERENCE

Introduction:

The Second Review Conference marks the end of the first decade of implementation of the Convention. Progress since entry into force has been immense. Large areas of suspected mined areas have been assessed, cleared and released for safe civilian use. Thousands of mine victims have received assistance, and millions of mines in stocks have been destroyed. The Convention has inspired new international instruments on the rights of victims and of protection of civilians in conflict and post-conflict areas. The prohibition against use has been accepted as a near-universal norm, also by States not parties and other actors.

However, significant challenges remain before the aims of the Convention have been reached. Mine clearance has taken longer time than anticipated, civilians are still maimed and killed by emplaced mines, too many mine victims and survivors lack access to adequate assistance, and scarce resources is an increasing problem for many mine action programmes. In addition the delayed compliance by some States Parties constitutes a challenge to the individual and collective responsibility for compliance.

The Review Conference is an opportunity to overcome present obstacles and secure further progress. States Parties can achieve this by going back to the humanitarian imperative that drove the initial process and by focusing on the linkage between compliance and the improvement in the lives of victims and affected people and their communities. Compliance with obligations is the most efficient road to achieve the aims of the Convention. States Parties should ensure that national plans and priorities reflect the need for compliance with the Convention's obligations, and that cooperation and assistance is used as an effective tool to this end.

The organisation of, and documents from, the Review Conference, will guide implementation in the next five-year period. This discussion paper outlines the President-Designate's views on how the Second Review Conference and its final document best can reflect the remaining challenges and ensure effective and efficient implementation.

On the basis of consultations carried out by the President-Designate in close cooperation with the host country and the President of the Ninth Meeting of the States Parties, with these consultations including an informal meeting convened on 2 March 2009 to which all States Parties and interested organizations were invited, there appears to be widespread support for the following:

- a. The Review Conference should adopt a final report including a comprehensive review, an action plan to guide the States Parties' efforts to fulfill the obligations under the Convention during the subsequent five-year period and a concise, powerful and memorable high-level declaration.
- b. In addition, the States Parties would need to take decisions on a post-Review Conference meeting programme and on Article 5 extension requests submitted in 2009.
- c. The Second Review Conference should be held at the highest possible level. It should be *the Cartagena Summit on a Mine-Free World*. This should contribute to high-level commitments necessary to pursue the aims of the Convention during the next five years.
- d. As was the case at the First Review Conference, a high-level segment should take place during the last two days of the Review Conference.
- e. The Review Conference would immediately begin work on the morning of Monday 30 November and proceed until the end of the third day with discussions on the basis of draft documents submitted in advance of the Review Conference. Addresses to the meeting and general statements during the first three days would be discouraged.
- f. By the end of the third day, it is hoped that the States Parties would be in a position to recommend for adoption at the end of the meeting the final report and its annexes.

The documents to be adopted:

On the basis of the course of action regarding which documents should be prepared, the President-Designate proposes the following method to guide the preparation of these documents:

The Review of the Operation and Status of the Convention, 2005-2009

- a. The review should document the progress made by the States Parties since the First Review Conference in fulfilling the obligations under the Convention.
- b. The review should document efforts undertaken with respect to relevant actions of the Nairobi Action Plan and the results of these actions.
- c. The review should document decisions and recommendations made by the States Parties since the First Review Conference to facilitate and enhance

implementation of the provisions of the Convention, reflecting an increased understanding of effective means to fulfill the obligations under the Convention.

- d. The review should contain conclusions related to challenges that remain, as of the Second Review Conference, in fulfilling the obligations under the Convention.

Ending the suffering caused by anti-personnel mines: the Cartagena Action Plan 2010-2014

The *Nairobi Action Plan* has been a success in providing strategies between the review conferences “to achieve major progress towards ending, for all people for all time, the suffering caused by anti-personnel mines.” The challenge now is to draft a new action plan that is relevant for the period 2010-2014 and that is based upon the reality of the Convention in 2009.

The *Nairobi Action Plan* served its purpose well. However, the States Parties can learn from the experience of applying the *Nairobi Action Plan* to make a *Cartagena Action Plan* even more focused and action-oriented. In this context, it is proposed that the following methodology guide the drafting of a *Cartagena Action Plan 2010-2014*:

- a. The action plan should aim to contain actions that are as specific, measurable, achievable, relevant and time-bound as possible. Content that amounts to political or declaratory statements should not be projected as *actions* and the place for such content, if it is desired, would be in other documents.
- b. The Convention itself constitutes the applicable norms and obligations for States Parties. The action plan is a tool to guide and improve implementation of the Convention. As such, the action plan should not simply reiterate Convention obligations.
- c. The action plan should aim to be more focused in part by avoiding repetition. For example, the *Nairobi Action Plan* contains some actions which virtually repeat Convention obligations and which are identical to one another.

Towards a mine-free world: the 2009 Cartagena Declaration

- a. As noted, the *Cartagena Summit* should adopt a concise, powerful and memorable high level declaration. As in Nairobi in 2004, the declaration should project the main message or messages of the conference. It should recognize that progress has been made and that challenges remain and it should emphasize the States Parties’ renewed commitment to overcome these challenges.
- b. Key messages that the States Parties may wish to incorporate into a *Cartagena Declaration* would be support to victims and survivors, emphasis on the cooperation and assistance provisions of the Convention and a strong appeal to end the use of, or condemn the use of, anti-personnel mines by any actor.
- c. An effort should be made to conclude drafting of the *Cartagena Declaration* well before the *Cartagena Summit* in order to ensure that high level participants can arrive in Cartagena ready to adopt this declaration and commit their States’ to the fulfillment of its terms.