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P.O. Box: 3243, Addis Ababa, Ethiopia, Tel.:(251-1) 11551 7700 Fax: (251-1) 11551 78 44  
Email: [situationroom@ausitroom-psd.org](mailto:situationroom@ausitroom-psd.org)

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**REPORT ON THE AFRICAN COMMON POSITION ON ANTI-PERSONNEL  
LANDMINES**

**AS ADOPTED AT THE**

**3<sup>RD</sup> CONTINENTAL CONFERENCE OF AFRICAN EXPERTS ON  
LANDMINES: AFRICA AS AN ANTI-PERSONNEL MINE-FREE ZONE –  
PROGRESS AND CHALLENGES**

**11 SEPTEMBER 2009**

The African Union (AU) has convened two important Continental Conferences of African Experts on Landmines: the first in May 1997, "Towards a Landmine-Free Africa" and the second in September 2004, "Kempton Park – Seven Years After".

The first Conference resulted in the adoption of the Kempton Park Plan of Action towards the elimination of anti-personnel landmines in Africa and the establishment of the continent as an Anti-Personnel Mine-Free Zone. The second Conference adopted an African Common Position on Anti-Personnel Landmines, which was subsequently endorsed by the Meeting of Ministers of Foreign Affairs/External Relations, on 23 September 2004. The document thus served as Africa's common position at the November 2004 Nairobi Summit on a Mine-Free World - the First Review Conference of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction (APM Ban Convention).

The second meeting of experts recommended that the Peace and Security Council (PSC) remain seized with the issue and that a 3<sup>rd</sup> Continental Conference of African Experts on Landmines be held in order to review the implementation of the African Common Position and to prepare for the Second Review Conference of the States Parties to the APM Ban Convention to be held in Colombia from 30 November to 4 December 2009.

After representation by the Government of the Republic of South Africa, the AU Commission, on 14 August 2009, sent Note Verbal Ref.: PSD/108/11/3081 to Member States, informing them that the 3<sup>rd</sup> Experts Meeting referred to above would be held in Pretoria, South Africa, from 09 – 11 September 2009 in advance of the Second Review Conference known as the Cartagena Summit on a Mine-Free World.

As scheduled, the 3<sup>rd</sup> Continental Conference of African Experts on Landmines: Africa as an Anti-Personnel Mine-Free Zone – Progress and Challenges was held in Pretoria from 09 – 11 September 2009 with the support of the European Union through the European Union's Joint Action in support of the universalisation and implementation of the APM Ban Convention.

The 3<sup>rd</sup> Continental Conference provided an opportunity for African states to discuss the progress made since the Second Continental Conference and to identify other challenges to ensuring that Africa is truly a Mine-Free Continent. It also reviewed the implementation in Africa of the APM Ban Convention since the 2004 Nairobi Summit on a Mine-Free World.

The Conference brought together AU Member States<sup>1</sup> in the context of the objective set out in the 1997 Kempton Park Plan of Action to eliminate anti-personnel landmines in Africa and establish the continent as an Anti-Personnel Mine-Free Zone and as such was also attended by various specialised United Nations (UN) agencies such as the United Nations Development Programme (UNDP) and the United Nations Children's Fund (UNICEF), the International Committee of the Red Cross (ICRC), and representatives of relevant African Non-Governmental Organisations (NGOs).

High profile international delegates included: the President-Designate of the Second Review Conference of the APM Ban Convention, Ambassador Susan Eckey of Norway; Mr. Daniel Avila of Colombia on behalf of the host country of the Second Review Conference; Ambassador Peter Tejler of Sweden on behalf of the Presidency of the European Union; and, Mr. Andreas Strub, representing the Council of the European Union.

The Conference was opened with statements by representatives of: the Government of the Republic of South Africa; the African Union's Commissioner for Peace and Security; the European Union Presidency; the Council of the European Union and the International Campaign to Ban Landmines (ICBL). The Government of South Africa and the African Union facilitated the closing session, which considered and adopted the revised African Common Position.

The Conference elected a Bureau consisting of five AU Member States as follows:

- ◆ Algeria
- ◆ Burundi
- ◆ Kenya
- ◆ Senegal
- ◆ South Africa

The Conference reviewed relevant OAU/AU Resolutions/Decisions, including Decision CM/Dec.363 (LXVI) adopted by the 66th Ordinary Session of the OAU Council of Ministers, held in Harare, Zimbabwe, in May 1997; Decision AHG/Dec.135 (LXX) adopted by the 35th Ordinary Session of the Assembly of Heads of State and Government of the OAU, held in Algiers, Algeria, in July 1999; and, Decision EX.CL/Dec.164(V) adopted by the 5th Ordinary Session of the Executive Council of the AU, held in Addis Ababa, Ethiopia, in March 2004.

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<sup>1</sup> Registered Member States: Algeria, Angola, Benin, Botswana, Burundi, Congo (Republic of), Democratic Republic of Congo, Cote d'Ivoire, Egypt, Ethiopia, Guinea Bissau, Guinea, Kenya, Lesotho, Liberia, Libya, Malawi, Mali, Mauritania, Mauritius, Mozambique, Namibia, Niger, Nigeria, Saharawi Arab Democratic Republic, Senegal, Seychelles, South Africa, Sudan, Swaziland, Togo, Uganda, Zambia, Zimbabwe.

In the course of its deliberations of an African Common Position, the Conference recalled the commitment of African leaders to promote lasting peace and security, through initiatives such as the Solemn Declaration on the Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA), the New Partnership for Africa's Development (NEPAD), the Protocol Relating to the Establishment of the Peace and Security Council (PSC) and the Solemn Declaration on a Common African Defence and Security Policy (CADSP), as well as the 2006 Report on the Elaboration of a Framework Document on Post Conflict Reconstruction and Development (PCRD) EX.CL/274 (IX).

There was consensus that the APM Ban Convention is a vital framework for pursuing Africa's quest to become truly anti-personnel mine-free, with 49 African States party to the Convention and with only Egypt, Libya, Morocco and Somalia having not yet acceded to the Convention. There was also general agreement that the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Excessively Injurious or to have Indiscriminate Effects (CCW) and in particular Amended Protocol II and Protocol V dealing with explosive remnants of war, is an important complementary instrument, in particular, for those African States that are not yet party to the APM Ban Convention. In addition, the synergies between the APM Ban Convention and the recently concluded Convention on Cluster Munitions (CMC) were also discussed, with many recommending that to be consistent with the African Common Position, African States should be urged to sign, ratify and implement the CMC.

The Conference deliberated on the following key mine action topics: the importance of Africa as an Anti-Personnel Mine-Free Zone for the Common African Defence and Security Policy (CADSP); national demining programmes and development in Africa; mine risk reduction projects; victim assistance activities in Africa including efforts to address the needs and guarantee the rights of landmine survivors; the challenge of intra-African co-operation in mine action and the current status of the APM Ban Convention's implementation in Africa.

The Conference took stock of the progress made in Africa since the adoption of the Kempton Park Plan of Action and the establishment of the continent as an Anti-Personnel Mine-Free-Zone. The Conference highlighted remaining challenges since the adoption, in 2004 of the African Common Position during the "Kempton Park – Seven Years After" experts meeting.

The Conference noted that the second meeting of experts in 2004 had called for sustained efforts to.

1. Assist the Member States Parties concerned to fulfil their obligations to destroy their stockpiles within their four-year deadlines, and develop and implement national demining programmes with the view to meeting their ten-year mine clearance deadlines;

2. Enhance the assistance provided to mine victims and to provide for their social and economic reintegration;
3. Promote and develop Inter-African Co-operation and Africa's capacity in the field of mine clearance and mine victim assistance and further mobilise the international community in support of the continent's effort;
4. Ensure the full universalisation of the APM Ban Convention in Africa.

In this respect, the Conference noted that African States continue to take significant steps towards the total elimination of anti-personnel mines: all relevant stockpiles have been destroyed; Djibouti, Malawi, Swaziland and Tunisia having indicated that they have completed their mine clearance obligations; and, the following States are actively implementing national demining programmes - Algeria, Angola, Burundi, Chad, Congo (Republic of), Democratic Republic of Congo, Eritrea, Ethiopia, Guinea-Bissau, Mauritania, Mozambique, Rwanda, Senegal, Sudan, Uganda, Zambia and Zimbabwe. In addition, it was noted that African States not party to the Convention, such as Egypt and Libya, are undertaking humanitarian demining activities. Furthermore, Niger has stated that the presence of anti-personnel mines on its territory was no longer suspected.

Notwithstanding this progress, it was also acknowledged that emplaced mines continue to kill or maim innocent civilians and peace-keepers in a number of African countries. This was seen as a reflection of inadequate mine risk reduction and education programmes in some countries and the inability of some African countries to fulfil their ten-year clearance obligation under the APM Ban Convention - the latter challenge resulting in some countries being granted clearance deadline extensions under the APM Ban Convention: Chad; Mozambique; Senegal and Zimbabwe. It was also recognised that programmes to address the lifelong needs of mine survivors are insufficient in the vast majority of affected countries.

A variety of possible reasons for this situation were identified, including: under-resourced mine action programmes, lack of national ownership and mainstreaming of projects, inadequate national budgeting, insufficient data collection, weak policy and legislative frameworks, little or no sharing of information, skills and equipment across the continent and the lack of a functioning mechanism to enhance African co-ordination and co-operation.

Accordingly, the Conference recommended that the Ministers of Foreign Affairs/International/External Relations adopt the attached African Common Position in preparation for the Cartagena Summit on a Mine-Free World and request that all Member States be urged to actively participate in the Second Review Conference of the APM Ban Convention at the highest possible level.

#### **Reservations:**

There were two reservations express by Member States:

A: It should be noted that the delegation of the Arab Republic of Egypt requested that its position in relation to the Anti-Personnel Mine-Free Zone be included in the report of the Conference:

1. Egypt has prohibited transferring anti-personnel mines since 1984 as well as prohibiting the production of anti-personnel mines since 1988.
2. Egypt is not a signatory to the Anti-Personnel Mine Ban Convention due to the fact that the Convention failed to state any legal responsibilities or commitments against the countries that emplaced mines in other countries during various wars. Egypt is one of the most affected from the legacy of landmines in its territory during the 2nd World War, having more than 22 million landmines in its lands. And in this regard, Egypt is performing now a very ambitious program in dealing with this issue.
3. Egypt has attended, as an observer, the annual meetings of the Parties to the Anti-Personnel Mine Ban Convention from the 1st meeting that took place in Bangkok till the last meeting that took place in Geneva in November 2008 due to its belief in the humanitarian objective of the Convention. However, Egypt as a non-signatory to the Convention, does not have any legal or political obligation with respect to the Anti-Personnel Mine Ban Convention.

B: It should also be noted that the non-English speaking African States present objected to the African Common Position being only available for consideration and adoption in English. As such it was agreed that:

1. French, Portuguese and Arabic versions be produced as soon as possible;
2. Such versions will be distributed to all participants for comment on the translations;
3. Once such translations have been finalised and accepted, that they also be submitted to the Ministers of Foreign Affairs/International/External Relations for adoption;
4. The relevant section in the African Common Position referring to this process be deleted.