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AFRICAN COMMON POSITION ON ANTI-PERSONNEL LANDMINES

ADOPTED AT THE

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

11 SEPTEMBER 2009

Note:

It was agreed that once this document is translated into all official languages it would be presented to the Ambassadors in Addis Ababa for their approval and final adoption.

AFRICAN COMMON POSITION ON ANTI-PERSONNEL LANDMINES¹

A. Preamble

1. The Third Continental Conference of African Experts on Landmines "Africa as an Anti-Personnel Mine-Free Zone – Progress and Challenges" was held in Pretoria, South Africa from 09 to 11 September 2009.
2. The Conference, which was attended by Member States² of the African Union (AU), as well as various United Nations (UN) specialised agencies, including the United Nations Development Programme (UNDP) and the United Nations Children's Fund (UNICEF), other international organisations such as the Anti-Personnel Mine Ban Convention Implementation Support Unit (ISU), the International Committee of the Red Cross (ICRC) and representatives of relevant African Non-Governmental Organisations (NGOs), adopted the following as the African Common Position³, in the context of the objective set out in the 1997 Kempton Park Plan of Action to eliminate anti-personnel landmines in Africa and to establish the continent as an Anti-Personnel Mine-Free-Zone, in preparation for the Second Review Conference of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (hereinafter the APM Ban Convention) - the Cartagena Summit on a Mine-Free World - to be held in Colombia from 30 November to 4 December 2009.
3. 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.
4. The Conference re-examined the 1997 Kempton Park Plan of Action and the 2004 African Common Position on Anti-Personnel Mines, as adopted during the Second Continental Conference of African Experts on Landmines - "Kempton Park – Seven Years After" – in preparation for the Nairobi Summit on a Mine-Free World - the First Review Conference of the APM Ban Convention and discussed other

¹ Reservation by Egypt – See Report

² For a list of registered African Union Member States – See Report

³ It was agreed that the African Common Position on Anti-Personnel Landmines be adopted with a reservation because the draft that was discussed was not available in all official languages of the African Union. It was therefore agreed that once the document is translated into all official languages, they would be submitted to the Embassies to the AU in Addis Ababa for certification. It was also agreed that once this has been done, this footnote would be deleted.

challenges with respect to mine action, including demining, technical surveys and non-technical land release methods, mine risk reduction and education, assistance for victims, national legislation and financial and material co-operation and assistance.

5. In the course of its deliberations, 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), the 2006 Report on the Elaboration of a Framework Document on Post Conflict Reconstruction and Development (PCRD) EX.CL/274 (IX) as well as the APM Ban Convention's Nairobi Action Plan (2005-2009).
6. In this context, the Conference noted that significant progress has been made in Africa towards the goal of eliminating anti-personnel mines. In this respect, the Conference highlighted the following:
 - i. 2009 marks the 12th anniversary of the hosting of the First Continental Conference of African Experts on Landmines and the adoption by the African Union (AU) of the Plan of Action;
 - ii. 2009 is the tenth anniversary of the entry-into-force in March 1999 of the international treaty banning anti-personnel mines - the APM Ban Convention - which seeks inter alia:
 - a. The universal acceptance of the prohibition of the use, stockpiling, production and transfer of anti-personnel mines
 - b. The destruction of all stockpiled anti-personnel mines
 - c. The clearance of all areas containing anti-personnel mines
 - d. Assistance to the victims of mines
 - e. The promotion of mine risk education.
 - iii. 49 African Union Members States have ratified or acceded to the APM Ban Convention, illustrating the crucial role of Africa in efforts to "end, for all people, for all time", the suffering caused by anti-personnel mines;
 - iv. All African Union Member States, who are party to the APM Ban Convention no longer possess stockpiled anti-personnel mines having destroyed some 817 212 anti-personnel mines since entry into force of the Convention;
 - v. Renewed mine clearance efforts have been made by those African States, which have in the past indicated that they have areas contaminated by anti-personnel mines: Djibouti, Malawi, Swaziland and Tunisia having indicated that they have completed mine clearance operations; and, Niger has stated that the presence of anti-personnel mines on its territory was no longer suspected. The following African 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;
- vi. As a continent with significant mine victims and survivors, African Union Member States have led the way in highlighting the need for effective and sustainable policies, facilities and services for their care and rehabilitation, and social and economic reintegration.
 - vii. Since 2000, 20 African Armed Non-State Actors have renounced the use of anti-personnel mines by signing the Geneva Call "Deed of Commitment for Adherence to a Total Ban on Anti-Personnel Mines and for Co-operation in Mine Action".
7. 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 and that in affected areas development continues to be hindered. It was also recognised that programmes to address the lifelong needs of mine survivors allowing them to live in dignity was still insufficient in the vast majority of affected countries.
8. 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.
9. It was therefore agreed that more concerted efforts are required in order to:
- i. Ensure the full universalisation of the APM Ban Convention in Africa;
 - ii. Sustain and enhance current national demining programmes;
 - iii. Enhance the assistance provided to mine victims, both directly affected individuals and their affected families and communities, so as to allow for their full inclusion in the social, cultural, economic and political life of society;
 - iv. Promote and strengthen Intra-African co-operation and Africa's capacity in the field of mine clearance and mine victim assistance;
 - v. Further mobilise the international community in support of the continent's efforts; and,
 - vi. Ensure that limited national and international resources are more efficiently utilised.
10. These challenges were seen as a reflection of inadequate and under-resourced mine risk reduction programmes in some countries and the inability of a number of African countries to fulfil their ten-year clearance obligation under the APM Ban Convention. The latter challenge has resulted in some countries being granted clearance deadline extensions under the APM Ban Convention: Chad, Mozambique, Senegal and Zimbabwe.

11. Accordingly, the Conference recommends that African Ministers of Foreign Affairs/International/External Relations, adopt the following African Common Position, in preparation for the Cartagena Summit.

B. ON THE POLICY ON LANDMINES

12. The Conference:

- i. **Stresses** that the humanitarian problem posed by anti-personnel landmines can only be addressed in a co-ordinated and multifaceted manner, with sustained support from the international community and the adoption of national and regional measures, including domestic ownership of mine action programmes as well as enhanced Intra-African co-operation
- ii. **Calls** upon Member States to promote conflict prevention and confidence-building measures and the pursuit of negotiated solutions to disputes and conflicts, as important strategies for ending the demand for anti-personnel landmines;
- iii. **Appeals** to those States that have not yet done so, to accede to the APM Ban Convention as soon as possible, and no later than the period leading to the Third Review Conference (2010– 2014).
- iv. **Calls** on all States not yet party to the APM Ban Convention to desist from selling, exporting or transferring anti-personnel mines and to put in place penal sanctions to prevent the illicit trade in anti-personnel mines.
- v. **Calls** on those States in possession of retained anti-personnel mines for the effective development of, and training in, mine detection, mine clearance or mine destruction techniques to ensure that the necessary mechanisms are put in place to secure these stockpiles against theft or disappearance. In this regard, **reiterates** that States Parties to the APM Ban Convention should only retain or transfer the minimum number absolutely necessary for the above-mentioned purposes and that this number be reviewed on an annual basis and excess destroyed.
- vi. **Calls** on all States to take the necessary steps to ratify or accede to the 1980 UN Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Excessively Injurious or to have Indiscriminate Effects (CCW) including, and in particular, Amended Protocol II and Protocol V dealing with explosive remnants of war.
- vii. **Further calls** on all Member States Parties to the APM Ban Convention, who have not yet done so, to take all appropriate legal, administrative and other measures, including the imposition of penal sanctions, to prevent and suppress any activity which undermines the establishment of the continent as an Anti-Personnel Mine-Free-Zone or that is prohibited under the APM Ban Convention.
- viii. **Urges African** Member States Parties to the APM Ban Convention to adhere to its provisions relating to transparency measures, as stipulated in Article 7 of the APM Ban Convention.

- ix. **Encourages** Member States not party to the APM Ban Convention to submit voluntary reports to the UN Secretary-General on an annual basis, containing relevant policies and documenting stocks held as well as progress made in providing programmes for mine risk reduction and mine clearance and the provision of support for mine victims, in the spirit of full compliance with the principles of international humanitarian law.
- x. **Calls** on all Armed Non-State Actors to respect the international norm established by the APM Ban Convention and Africa's quest for a continent as an Anti-Personnel Mine-Free Zone and **welcomes** efforts to engage those Actors, with the aim of securing their commitment to respect the highest standards of international law and humanitarian norms.
- xi. Recognising the need for mine action to continue beyond emergency assistance, and as a crucial aspect of meeting the UN Millennium Development Goals **urges** the mainstreaming within national and local development, reconstruction and other relevant plans and poverty reduction strategies of mine action programmes.
- xii. **Appeals** to multilateral and regional financial institutions to include provisions for long-term mine action programmes, where appropriate, in the reconstruction and rehabilitation efforts in post-conflict areas.
- xiii. **Urges** all Member States to actively participate in the Second Review Conference of the APM Ban Convention - the Cartagena Summit on a Mine-Free World - to be held in Colombia from 30 November to 4 December 2009 - at the highest possible level.
- xiv. **Recommends** that the Peace and Security Council (PSC) remain seized with the issue of anti-personnel mines.
- xv. **Requests** the AU Commission to designate a focal unit with an appropriate mechanism to enhance resource mobilisation, the co-ordination of mine action across the continent and to facilitate information sharing, lessons learnt and available skills and equipment in collaboration with national mine action managers.
- xvi. **Requests** the AU Commission, working closely with Member States, Regional Economic Communities and other African Regional Groupings, to follow-up the implementation of the African Common Position as reflected herein. In this respect, the Conference **further requests** the Commission to develop, by early 2010, a detailed Plan of Action, with timeframes, to facilitate the implementation of the Common Position and to report regularly to the relevant policy-making organs of the AU.
- xvii. **Urges** the convening of annual regional meetings and biennial continental meetings to assess progress made in the implementation of the African Common Position.

C. ON MINE CLEARANCE

13.The Conference:

- i. **Calls** on all mine affected Member States to intensify efforts to identify and report on the location and size of all mined areas, to implement programmes to reduce risks to populations resulting from these mined areas, to enhance the national capacity of, and increase national ownership over, demining programmes, and **further calls** on all relevant Member States Parties to the APM Ban Convention to clear mined areas by their deadlines.
- ii. **Calls** upon all mine affected Member States to use the full range of technical and non-technical means available to release, with confidence, areas suspected to contain anti-personnel mines in order to efficiently deploy mine clearance assets to where they are needed the most.
- iii. **Calls** upon all mine affected Member States to take into account the unique needs and experiences of women, men, girls and boys in carrying out humanitarian demining programmes.
- iv. **Encourages** all mine affected States to make known their needs for technical, material and financial resources while renewing national commitments to ensure a sustained flow of resources to fulfill their clearance obligations, and to States in a position to do so, to renew their commitment to ensure sustained resource mobilisation for these programmes.
- v. **Highlights** the value of applying the experience of implementing the APM Ban Convention in order to address the problems caused by other explosive remnants of war.
- vi. **Recognises** Inter/Intra-African co-operation and support as a vital and crucial element for successful mine clearance and that such co-operation should cover political/diplomatic action, logistics, legal, technical and financial aspects, as well as training, research and development and the transfer of appropriate technologies.
- vii. **Appeals** for the co-ordination of research and development efforts to improve the safety and cost-effectiveness of appropriate mine detection technologies and underscores the need to make such new technologies available to each mine affected State.
- viii. **Emphasises** the need to incorporate, where appropriate, mine action programmes in ceasefire and peace agreements, as well as in disarmament, demobilisation, and re-integration programmes and in peacekeeping and peace-building operations as well as other confidence-building measures.

D. ON LANDMINE VICTIM ASSISTANCE

14.The Conference:

- i. **Recognises** that all victim assistance policies and practices at the national level should be, at minimum, aligned with the standards as formulated in more comprehensive frameworks,

such as the UN Convention on the Rights of Persons with Disabilities.

- ii. **Renews** Member States' commitment to promote, support and advance, in a non-discriminatory manner, the continuous medical care, physical rehabilitation and social and economic re-integration of mine victims and their families and communities, in particular within the framework of public health and social services systems, and to ultimately mainstream victim assistance in all disability-related policies, legislation and practices.
- iii. **Takes** renewed cognisance of the plight of landmine victims with a view to meeting their physical, psychological, social, health and economic needs, including improving accessibility to public places and spaces and to guarantee the rights of all landmine victims in Africa through the development and implementation of sustainable and measurable strategies.
- iv. **Emphasises** that priorities for the allocation of scarce resources for meeting the health, social and economic needs and to guarantee the rights of landmine victims can only be set by co-operative and co-ordinated efforts on the part of:
 - local authorities and national Governments
 - the AU and its specialised agencies, such as the African Rehabilitation Institute (ARI)
 - the United Nations system and its relevant agencies
 - the international donor community
 - the international and local NGO community, especially those involved in the care and rights of the disabled
 - the ICRC and national Red Crescent and Red Cross Societies and their International Federation
 - the Standing Committee on Victim Assistance of the APM Ban Convention.
- v. **Urges** Member States to facilitate the active participation of landmine victims in the formulation, decision-making process and the execution of relevant national policies and legislation.
- vi. **Encourages** health services of mine affected countries to establish, maintain and increase their capacity to deal with mine injuries long after armed conflicts have ended through the development of a national victim assistance/disability plan. At the same time, they must build their social and institutional capacities to deal with an ever-increasing number of people with disabilities.
- vii. **Urges** concerned regional and national institutions to co-ordinate their efforts to exchange information on their available medical facilities and capacities.
- viii. **Urges** Member States to increase support to all training centres and institutes for the combined or joint use of all medical, social, psychological centres and other relevant measures and to organise regular regional and continental training for health workers on the treatment and rehabilitation of landmine victims.
- ix. **Urges** Member States to collect precise data on the numbers of victims and their short and long-term needs to initiate appropriate programmes to assist victims in countries at war or affected by landmines in post-conflict situations with the support of local and other NGOs and Red Cross and Red

Crescent societies and the International Committee of the Red Cross.

- x. **Urges** Member States concerned to establish national support funds for landmine victims and other persons with disabilities, and make provision for this fund in their national budgets and to request contributions from international and other donors.
- xi. **Urges** Member States to create, where they may not exist, a focal unit within their governments, with the responsibility and clear mandate to have oversight, and monitor the implementation, of the victim assistance efforts described above.

E. ON RESOURCE MOBILISATION, INTERNATIONAL CO-OPERATION AND ASSISTANCE

15.The Conference:

- i. **Reiterates** past appeals of the OAU/AU to the international community, international financial institutions and the private sector, to provide African countries affected by landmines with all the necessary assistance for the demining of their countries, including financial and technical resources and the training of deminers.
- ii. **Urges** the donor community to allocate resources for mine action proportionately to all mine affected countries on humanitarian grounds and in such a way as to promote long-term sustainability.
- iii. **Underscores** the obligation and moral responsibility of the powers that laid landmines during the Second World War and liberation wars, and **calls on** them to devote a reasonable percentage of their resources devoted to assistance to mine action programmes in the African countries concerned.
- iv. **Underlines** the need for international and Intra-African co-operation in order to support efforts towards sustaining and implementing effective mine action programmes, including demining activities and assistance to victims, as well as the sharing of information, best practices and legal and technical assistance where possible.
- v. **Requests** the African Union Commission, bearing in mind the experience of other international organisations, to enhance the mobilisation of the international community in order to assist African countries affected by anti-personnel landmines.
- vi. **Calls** on Member States to enhance their participation in, and attendance at, the various implementation mechanisms established under the APM Ban Convention, including the informal intersessional meetings of the Standing Committees and work programme, the annual meetings of the State Parties and the Contact Groups and **further calls** on Member States to work closely with the African Union Commission, relevant United Nations agencies, the Geneva International Centre for Humanitarian De-mining, in particular the Anti-Personnel Mine Ban Convention Implementation Support Unit (ISU) as well as the Sponsorship Programme, the International Committee of the Red Cross (ICRC) and members of the International Campaign to Ban Landmines (ICBL) and others.
- vii. **Encourages** NGOs and civil society in general to engage, as appropriate, in all aspects of national, regional, continental and international efforts to implement the present African Common Position and **further calls** on relevant African regional organisations

and Member States to facilitate the appropriate involvement of civil society, in activities related to mine action, in view of the important role that they play in this area.

F. FOLLOW-UP

16. The Conference:

- i. **Recommends** that a 4th Continental Conference of African Experts on Landmines be held in order to review the implementation of the African Common Position and the resultant Plan of Action and to prepare for the Third Review Conference of the States Parties to the APM Ban Convention in 2014.