

Nairobi, 29 November – 3 December 2004

**ICRC proposals for amendments to Action #54 and Action #55 of the document
"Ending the suffering caused by anti-personnel mines:
the Draft Nairobi Action Plan 2005-2009"*¹**

The consistency of the application of Articles 1, 2 and 3 of the Convention have been an important subject of discussion among States Parties ever since the First Meeting of the States Parties in 1999, and in the context of the meetings of the Standing Committee on the General Status and Operation of the Convention.

The Fifth Meeting of the States Parties called upon all States Parties "to continue to share information and views, particularly with respect to articles 1, 2 and 3, with a view to developing understandings on various matters by the First Review Conference".²

At this point, States Parties appear to be in a position to record a convergence of views with respect to Article 3 of the Convention. The ICRC therefore proposes that Action #54 of the Draft Nairobi Action Plan be amended by adding the following sentence (new text indicated in italics), which we believe reflects the common view of States Parties on this issue.

Action #54: In situations where States Parties have retained mines in accordance with the exceptions in Article 3, provide information 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. *The number of mines so retained, if any, will be the minimum number absolutely necessary, as required by Article 3, and be numbered in the hundreds or thousands, or less, and not in the tens of thousands.*

The ICRC believes it is important that the Review Conference record this view in the Nairobi Action Plan.

In addition, with respect to Articles 1 and 2 of the Convention, the statements and practice of States Parties have evolved considerably over the last five years. In light

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¹ Unofficial version of revision to APLC/CONF/2004/L.4, 5 November 2004.

² Final Report of the Fifth Meeting of the States Parties, APLC/MSP.5/2003/5, Bangkok, 17 October 2003, Part I, page 7, paragraph 25.

of the above-mentioned call of the Fifth Meeting of the States Parties for States to work to resolve these issues and to build on the progress achieved to date, the ICRC proposes that Action #55 of the Draft Nairobi Action Plan be amended by adding the following phrase (new text indicated in italics)

Action #55: Exchange views and share their experiences in a cooperative and informal manner on the practical implementation of the various provisions of the Convention, including Articles 1, 2 and 3, to continue to promote effective and consistent application of these provisions, *with a view to developing a convergence of views on these issues as a matter of priority.*

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