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

**ADOPTED AT THE**

**2<sup>ND</sup> CONTINENTAL CONFERENCE OF AFRICAN EXPERTS ON LANDMINES**

**KEMPTON PARK - SEVEN YEARS AFTER**

**ADDIS ABABA, ETHIOPIA**

**17 SEPTEMBER 2004**

**COMMON AFRICAN POSITION ON ANTI-PERSONNEL LANDMINES\***

1. The Second Continental Conference of African Experts on Landmines “Kempton Park – Seven-Years After” was held at the Headquarters of the African Union (AU), in Addis Ababa, Ethiopia, from 15 to 17 September 2004.
2. The Conference, which was attended by Member States of the AU, as well as various United Nations (UN) specialized agencies, other international Organizations, the International Committee of the Red Cross (ICRC), a wide spectrum of representatives of the donor and mine action communities and relevant Non-Governmental Organizations (NGOs), adopted the following Common African Position, in preparation for 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 (hereinafter the APM Ban Convention), the Nairobi Summit on a Mine-Free World, which will be held in Kenya, from 29 November to 3 December 2004.
3. The Conference reviewed relevant OAU/AU Resolutions/Decisions, including Decision CM/Dec.363 (LXVI) adopted by the 66<sup>th</sup> Ordinary Session of the OAU Council of Ministers, held in Harare, Zimbabwe, in May 1997 Decision AHG/Dec.135(LXX) adopted by the 35<sup>th</sup> 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 5<sup>th</sup> Ordinary Session of the Executive Council of the AU, held in Addis Ababa, Ethiopia, in March 2004. The Conference discussed Africa’s Common Position on Anti-Personnel Mines (APM), in preparation of the First Review Conference in Nairobi, following the Kempton Park Plan of Action, and took stock of the progress made to date towards the elimination of Anti-personnel Landmines in Africa and the establishment of the continent as an Anti-Personnel Mine-Free-Zone.
4. The Conference noted the symbolism and opportunity in the APM Ban Convention’s First Review Conference taking place in Africa - the most affected continent –, following the First Meeting of States Parties, which also took place in Africa (Maputo, Mozambique, May 1999).
5. In this context, 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).
6. The Conference noted that, since the First Continental Conference of African Experts on Landmines, significant progress has been made in Africa towards the goal of eliminating anti-personnel mines. In this respect, the Conference highlighted the following:

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\* Reservation by Egypt – See Report

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- i. four months after the First Continental Conference, the APM Ban Convention was agreed to in Oslo, Norway, in September 1997, opened for signature in Ottawa, Canada, in December 1997, and subsequently entered into force on 1 March 1999;
- ii. 48 Members States have ratified or acceded to the APM Ban Convention, illustrating the crucial role of Africa in the efforts to end the suffering caused by anti-personnel mines in a definitive and comprehensive manner;
- iii. 40 Member States no longer possess stockpiled anti-personnel mines and together African States have destroyed more than 530,000 stockpiled mines, while renewed efforts have been made in the field of mine clearance;
- iv. 26 African countries have indicated that they have areas contaminated by anti-personnel mines;
- v. Member States have led the way in highlighting the need to provide for the care and rehabilitation, and social and economic reintegration of landmine victims.

7. However, more needs to be done to ensure the full universalization of the APM Ban Convention in Africa; 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; to enhance the assistance provided to mine victims and to provide for their social and economic reintegration; to promote and develop Inter-African cooperation and Africa's capacity in the field of mine clearance and mine victim assistance; and further mobilize the international community in support of the continent's efforts.

8. Accordingly, the Conference recommends that Ministers of Foreign Affairs/ External Relations, on the occasion of their meeting in New York on 23 September 2004, on the margins of the UN Geneva Assembly, adopt the following Common African Position, in preparation for the Nairobi Summit.

#### **A. ON THE POLICY ON LANDMINES**

9. The Conference:

- i. **Stresses** that the humanitarian crisis 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, as well as enhanced Inter-African co-operation;
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- 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 demand for anti-personnel landmines.
  - iii. **Appeals** to those States that have not yet done so to ratify or accede to the APM Ban Convention as soon as possible, and no later than the period leading to the next Review Conference (2005 – 2009).
  - iv. **Calls** on all States not party to the APM Ban Convention to desist from selling, exporting or transferring APMs and to put in place penal sanctions to prevent the illicit trade in APM. The Conference **further calls** on those States not party to the APM Ban Convention in possession of stockpiles to ensure that the necessary mechanisms are put in place to secure these stockpiles against theft or disappearance.
  - v. **Calls** on all States, including those African States not yet party to the APM Ban Convention, to take the necessary steps to ratify or accede to the 1980 UN Convention on Certain Conventional Weapons (CCW), including and in particular Amended Protocol II and Protocol V on Explosive Remnants of War (ERW).
  - vi. **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 prohibited to any State Party under the APM Ban Convention;
  - vii. **Urges** 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.
  - viii. **Stresses** the need for all Member States that are Parties to the APM Ban Convention to ensure the destruction of their APM stockpiles as soon as possible, but not later than four years after the entry into force of the Convention for those Member States.
  - ix. **Reiterates** that States Parties to the APM Ban Convention are only permitted to retain or transfer anti-personnel mines for the development of, and training in, mine detection, mine clearance or mine destruction techniques; the amount of such mines must not exceed the minimum number absolutely necessary for the above-mentioned purposes.
  - x. **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 progress made in providing
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mine risk education, mine clearance and the destruction of stockpiled landmines, as well as the provision of support for mine victims, in the spirit of full compliance with the principles of international humanitarian law.

- xi. **Calls** on all relevant Non-State Actors to respect the international norm established by the APM Ban Convention and welcomes efforts by NGOs to engage those Actors, with the aim of securing their commitment to respect the highest standards of international law and humanitarian norms.
- xii. Recognizing the need for mine action to continue beyond emergency assistance, **urges** that mine action programmes be mainstreamed within national and local development and reconstruction plans.
- xiii. **Appeals** to multilateral and regional financial institutions to include provisions for mine action programmes, where appropriate, in the reconstruction and rehabilitation efforts in post-conflict areas.
- xiv. **Urges** all Member States to actively participate in the First Review Conference of the APM Ban Convention - the Nairobi Summit on a Mine-Free World - at the highest possible level.

## **B. ON MINE CLEARANCE**

### 10. The Conference:

- i. **Calls** on all mine affected Member States to put in place and to implement national programmes for mine risk education, the identification and marking of mined areas and mine clearance, and to continue to build the capacity of national, sub-regional and regional co-ordinating and strategic planning bodies to carry out this work.
  - ii. **Stresses** the need for all Member States Parties to the APM Ban Convention to ensure the destruction of all anti-personnel landmines in mined areas under their jurisdiction or control as soon as possible but not later than ten years after the entry into force of the Convention for those State Parties.
  - iii. **Encourages** all mine affected States to make known their needs in respect of mine clearance, and to States in a position to do so, to renew their commitment to ensure sustained resource mobilization for these clearance programmes.
  - iv. **Underlines** the need to ensure that lessons learned and experiences gained from mine clearance activities are institutionalized and that interactive communication between States and between mine action operators are adopted, as an important means of putting an end to new landmine casualties on the African continent.
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- v. **Recognizes** Inter-African co-operation and support as a vital and crucial element for successful mine clearance. 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.
- vi. **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.
- vii. **Emphasizes** the need to incorporate, where appropriate, mine action programmes in ceasefire and peace agreements, as well as in disarmament, demobilization, and reintegration programmes and in peacekeeping operations.

### C. ON LANDMINE VICTIM ASSISTANCE

#### 11. The Conference:

- i. **Renews** Member States' commitment to promote, support and advance the care, rehabilitation and social and economic re-integration of mine victims, in particular within the framework of public health and social services systems.
  - ii. **Takes** renewed cognisance of the plight of landmine victims with a view to meeting the health, social and economic needs of all landmine victims in Africa, as required by the APM Ban Convention.
  - iii. **Emphasizes** that priorities for the allocation of scarce resources for meeting the health, social and economic needs 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 agencies;
    - the international donor community;
    - the NGO community;
    - the ICRC and National Red Crescent and Red Cross Societies;
    - the Standing Committee on Victim Assistance of the APM Ban Convention.
  - iv. **Urges** Member States to facilitate the active participation of landmine victims in the formulation, decision-making process and the execution of
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relevant national policy and legislation.

- v. **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. At the same time, they must build their social and institutional capacities to deal with an ever-increasing number of people with disabilities.
- vi. **Urges** relevant regional and national institutions to co-ordinate their efforts to exchange information on their available medical facilities and capacities.
- vii. **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 organize regular regional and continental training for health workers on the treatment and rehabilitation of landmine victims.
- viii. **Urges** Member States to collect precise information on the numbers of victims in order to meet their needs and to encourage local NGOs and National Red Cross/Red Crescent societies to initiate appropriate programmes to assist victims in countries at war or affected by landmines in post-conflict situations.
- ix. **Urges** Member States concerned to establish national support funds for landmine victims and other persons with disabilities, and to request contributions from international and other donors, while making known their own contributions.

**D. ON RESOURCE MOBILIZATION, INTERNATIONAL CO-OPERATION AND ASSISTANCE**

12. 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. In this respect, the Conference expresses concern at the disparity between the magnitude of the landmine problem in Africa and the resources committed to the continent.
  - ii. **Urges** the donor community to allocate resources for mine action equally to all mine affected countries on humanitarian grounds.
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- 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 Inter-African co-operation in order to support efforts towards developing 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 and technical assistance where possible.
- v. **Requests** the African Union, bearing in mind the experience of other international organizations, 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 intersessional work programme, the annual meetings of State Parties and the Contact Groups and **further calls** on Member States to work closely with the Geneva International Centre for Humanitarian De-mining, in particular the Implementation Support Unit (ISU), as well as the Sponsorship Programme, the ICRC, the United Nations agencies and the International Campaign to Ban Landmines (ICBL) and its national constituent organisations.
- vii. **Encourages** NGOs and civil society in general to engage, as appropriate, in all aspects of international, regional, sub-regional and national efforts to implement the present Common African 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.

## **E. FOLLOW-UP**

### 13. The Conference:

- i. **Recommends** that the PSC must remain seized with the issue of anti-personnel mines.
  - ii. **Requests** the AU Commission, working closely with Member States, especially those that are Parties to the APM Ban Convention, Regional Economic Communities and other African Regional Groupings, to follow-up the implementation of the Common African Position as reflected above. In this respect, the Conference **requests** the Commission to develop a detailed Plan of Action, with timeframes, to facilitate the implementation of
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the Common Position and to report regularly to the relevant policy-making organs of the AU.

- iii. **Encourages** the convening of regional and sub-regional workshops to assess progress made at regional and sub-regional levels in the implementation of the Common African Position.
  - iv. **Recommends** that a 3<sup>rd</sup> Continental Conference of African Experts on Landmines be held in order to review the implementation of the Common African Position and to prepare for the Second Review Conference of the States Parties to the APM Ban Convention.
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