Update on Nairobi Summit Informal Consultations in Geneva

The ICBL participated in Nairobi Summit Informal Consultations held 24 September 2004 in Geneva, Switzerland, chaired by President-Designate Wolfgang Petritsch.

ICBL Presentations

- **Comments on the four documents: Review, Action Plan, Schedule of Meetings and Declaration.** Susan Walker, ICBL.
- **Working Group on Victim Assistance’s comments on Action Plan.** Kirsten Young, Landmine Survivors Network.
- **Obligations of States, including Articles 1, 2 and 3.** Jody Williams, ICBL.

Key Discussions

- Update on preparations, including high-level representation in Nairobi.
- Discussion on the drafts of four documents to be adopted in Nairobi:
  - Ending the suffering caused by anti-personnel mines: Nairobi Action Plan 2005-2009;
  - Programme of meetings and related matters to facilitate implementation, 2005-2009; and,
  - Towards a Mine-Free World: The 2004 Nairobi Declaration.

Concerns

- **Serious gaps in draft Review and Action Plan documents:** notably on mine action and clarity and consistency on core obligations of the treaty.
- **Mine action:** the draft Action Plan fails to focus on the explicit commitment of State Parties to clear all mined areas (Article 5). States Parties must make a commitment to accelerate mine clearance in order to meet the obligations in Article 5. Much of ICBL’s substantive input on mine action was not included in the latest drafts of the Action Plan and the Review.
- **No progress and possible backsliding on reaching common understandings and consistency on the core prohibitions of the treaty,** particularly on the issues of joint operations, definitions and mines retained for training (Articles 1, 2 and 3). This, despite discussions for years on these issues, ongoing lobbying by ICBL and ICRC and our written submissions for the Nairobi documents. Some States Parties are blocking progress: Germany, France and Japan, which, along with the United Kingdom, have blocked progress on these matters for years, proposed agreeing to disagree on the issues and argued for the removal from the Action Plan of reference to reporting on the intended purpose and actual use of mines retained for training and continued discussions on Article 1, 2 and 3; Belgium and Canada said they did not want to go further than the current (weak) language in the draft Action Plan on Articles 1, 2 and 3; and Norway's purist
approach is not helping either - their position is that zero mines should be retained and that the Convention is clear regarding "minimum number absolutely necessary"; thus they do not want to specify numbers such as "hundreds or thousands, or less, but not tens of thousands". New Zealand’s strong intervention and new proposal saved the day!

- **Unwillingness by some to have concrete and ambitious commitments** included in the Action Plan, most notably from France who preferred "states will strive to" than "states will" in the Action Plan and wanted the Action Plan to include "objectives" rather than "commitments" by states. They finally settled on "actions".

- **No announcements on high-level representation** by some key countries like Canada, Norway and South Africa.

- **Disappointing lack of participation** by mine-affected countries (generally) and African states, with very few substantive interventions. This was due in part to mine-affected countries being unable to send representatives from capitals for the one-day meeting.

- **The fear of disagreement in Nairobi is resulting in avoidance of issues, an apparent weakening of commitments and a return to "diplomacy as usual".** As ICBL Ambassador Jody Williams said: "I am very concerned about how these treaty compliance issues are being dealt with - or perhaps more accurately stated, are not being dealt with. I fear that what was once a movement marked by bold and visionary leadership is sliding back into the mode of diplomacy as usual."

**Highlights**

- **Concrete proposal for progress on Articles 1, 2 and 3** in the coming two months. New Zealand urged hard work on this issue in the coming period and suggested separating the issue of mines retained for training (Article 3) from the issues of Articles 1 and 2. They proposed wording for this for the *Action Plan*. They also proposed the inclusion in the Review document of discussions to date on Articles 1, 2 and 3. They were supported by Croatia, Italy, Mexico, the Netherlands and Thailand. At last there is a concrete and constructive proposal for taking the issues forward!

- **States Parties support for the ICBL’s comments on mine action and victim assistance.** Also, many stood firm on the importance of keeping a strong action plan and not watering it down.

- Inclusion of the ICBL’s proposals on work to universalise the treaty and on victim assistance, as well as other suggestions, were included in the draft documents.

- President-Delegate said he has been informed by 20 countries that they will send high level representatives to Nairobi. Announcements in the informal meeting included: Colombia said they will send their Vice-President, Austria and the Netherlands to send their Foreign Ministers; Germany their Minister of State Federation Foreign Office and Italy the Under-Secretary of State.

**Quote of the Day**

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"Let us be clear what is meant by 'mine-free'. There is an unequivocal obligation under Article 5 to clear and destroy all mines (in known or suspected mined areas)." - Simon Conway, Landmine Action on behalf of ICBL Mine Action Working Group.