

**THE MANAGUA WORKSHOP
ON PROGRESS AND CHALLENGES IN ACHIEVING A MINE-FREE AMERICAS**

**UNDERSTANDING VICTIM ASSISTANCE
IN THE CONTEXT OF THE AP MINE BAN CONVENTION**

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Distinguished guests, ladies and gentlemen

At the 2004 First Review Conference of the Convention, States Parties noted that while not forgetting the responsibilities to landmine victims wherever they may be, a greater emphasis must be placed on improving the quality of life of landmine survivors in the now 26 States Parties that have indicated that they are responsible for significant numbers of survivors. Four of these States Parties are from the Americas and represented in this workshop – Colombia, El Salvador, Nicaragua and Peru.

However, following their First Review Conference the States Parties still lacked a clear understanding of what could be or should be achieved by a certain point of time.

Beginning in 2005, on the road from Nairobi, successive Co-Chairs of the Standing Committee on Victim Assistance and Socio-Economic Reintegration have sought to overcome this challenge by taking advantage of the fact that both the *Nairobi Action Plan* and the conclusions contained in the review of the Convention adopted at the First Review Conference provided a comprehensive basis for action on victim assistance.

The main principles guiding the approach that has been taken are as follows:

- “Victim assistance”, while not existing in the text of the Convention as a time-bound and specific obligation on the same plane as mine clearance or stockpile destruction, should nevertheless be treated with the same seriousness and precision.
- Ultimate responsibility for meeting the needs of survivors rests with sovereign States. States need to be provided with the space and support to define what can be or should be achieved, in concrete and measurable terms. While others may be in a position to assist, sovereign States are the owners of their challenges and need to be the owners of the solutions to overcome these challenges.
- The primary focus of efforts should be to empower the 26 relevant States Parties to take matters into their own hands through inter-ministerial processes to establish SMART objectives and plans.
- Establishing SMART objectives should result in seeing that what can be or should be achieved is specific, measurable and time-bound. However, what can or should be achieved by when and how will be different for each of the relevant States Parties.
- Objectives and plans should see that landmine victim assistance is integrated into broader healthcare, rehabilitation, development and disability contexts, and provide a more concrete basis to articulate priorities for assistance. As such, relevant ministries and officials from these ministries need to be at the forefront of “victim assistance” efforts.

The aim of Nicaragua and Norway as the Co-Chairs of the Standing Committee in 2005 was to facilitate concrete progress by achieving measurable progress in addressing the rights and needs of landmine victims before the Second Review Conference. Subsequent Co-Chairs, have sought to continue the work started by Nicaragua and Norway.

Since 2005, all Co-Chairs have recognized that the best way to assure progress is to work intensively, on a national basis, to help relevant States Parties have their voices heard.

After years of Convention meetings wherein affected States Parties had their pleas for assistance to mine victims fall on deaf ears, the power has been given to them to make a compelling case to the donor community about what actually needs to be done. Making such a case not only serves as a powerful demonstration of State responsibility, but also makes it more inescapable for donors when calls are made for States Parties in a position to do so to live up to their commitment in Action #36 of the *Nairobi Action Plan*, to “act upon their obligation under Article 6 (3) to promptly assist those

States Parties with clearly demonstrated needs for external support (...), responding to priorities for assistance as articulated by those States Parties in need (...)"

Some of the key actions that have been taken since the First Review Conference include:

- Since 2005, with funding provided by Australia, Austria, New Zealand, Norway and Switzerland, the Implementation Support Unit has assisted the relevant States Parties with their inter-ministerial victim assistance efforts.
- Since 2006, the Convention's Sponsorship Programme Donor's Group has played an important role by supporting the participation of relevant health, rehabilitation and social services professionals in Convention's meetings.
- Since 2007, the Co-Chairs have convened parallel programmes for these victim assistance experts. The programmes aim to increase the knowledge of the expert participants on victim assistance in the context of the Convention, and thematic issues including data collection, emergency medical care, physical rehabilitation, psychosocial support, economic empowerment, inclusion, accessibility, community based rehabilitation, coordination, and the Convention on the Rights of Persons with Disabilities. More than 40 experts have been involved in a similar programme over the past 2 days here in Managua.
- In 2008, the Co-Chairs sought to overcome the challenge of establishing clear measures and indicators of progress in the pursuit of the victim assistance aim of the Convention. To assist the States Parties in the period leading up to the Second Review Conference, a set of indicators were developed which could be used in a variety of ways to indicate relative degrees of progress in fulfilling key aims in relation to victim assistance. The indicators are based on relevant actions in the *Nairobi Action Plan*.

In terms of the way forward on the Road to Cartagena and the Second Review Conference, please allow me to make the following suggestions:

First: While objectives may have been established by many of the 26 relevant States Parties that have reported the responsibility for significant numbers of survivors, it is essential that these States Parties proceed with the more complex task of developing and implementing comprehensive national plans to guide the fulfilment of these objectives, ensuring that these plans integrate mine victim assistance into broader healthcare and social service systems, rehabilitation programmes and legislative and policy frameworks.

Second: As progress in victim assistance should be specific, measurable and time-bound, with specific measures logically needing to be determined by individual States Parties based on their very diverse circumstances, relevant States Parties that have not yet done so should provide an unambiguous way to assess progress with respect to victim assistance as concerns their States by the time of the Second Review Conference.

Third: Given that the objectives established by most of the 26 relevant States Parties provide a clearer picture of their priorities for assistance, an emphasis could be placed on an enriched exchange of information on ways in which States Parties in a position to do so are fulfilling their obligations.

Fourth: As called for in actions #38 and #39 of the *Nairobi Action Plan*, States Parties and relevant organizations should continue to ensure effective integration of survivors in the work of the Convention and an effective contribution in all relevant deliberations by health, rehabilitation and social services professionals at both the national and international level.

Fifth: Efforts could be undertaken to develop strategies for the period after the Second Review Conference. This and other regional workshops provide an opportunity to do so. This morning victim assistance experts had an opportunity to contribute to these efforts.

And sixth: As highlighted in the Geneva Progress Report, coherence could be achieved by applying the framework developed for victim assistance in the context of this Convention in addressing the rights and needs of victims of other explosive remnants of war. For instance, the new Convention on Cluster Munitions could benefit a lot from the lessons learnt in applying the understandings on victim

assistance adopted in the context of the AP Mine Ban Convention, particularly as States affected by cluster munitions usually also suffer from anti-personnel mines.

In 2005 as States Parties started on the victim assistance road from Nairobi, it was not clear where they were going or how they were going to get there. In 2009 States Parties know they are on the road to Cartagena and we have a strategic roadmap of how to get there.

In the presentations that follow we will learn more about how relevant States Parties in the Americas are implementing this strategic approach. After working with these States for more than 3 years I know their efforts are not minimal even though they themselves acknowledge there are challenges and that more needs to be done.

I will conclude with the words of the Co-Chairs of the Standing Committee on Victim Assistance at the Ninth Meeting of the States Parties last November:

Efforts to assist the victims will not end with the Second Review Conference. It will be necessary to develop sound strategies for the period following the Second Review Conference, based on the lessons learnt and priorities identified since the First Review Conference. Affected States, international agencies, non governmental organisations, the donor community, civil society, and survivors themselves, must continue to work together. Only then can we do our very best to improve the quality of daily life of mine survivors, victims of other war-related injuries, and all persons with disabilities.