

---

# Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction



Kerry Brinkert  
Director  
AP Mine Ban Convention Implementation Support Unit

9 September 2009 – Pretoria

---

[www.apminebanconvention.org](http://www.apminebanconvention.org)

## 25 important words of particular significance



*Each State Party in a position to do so shall provide assistance for the care and rehabilitation, and social and economic reintegration, of mine victims...*

**AP Mine Ban Convention,  
Article 6.3**



---

[www.apminebanconvention.org](http://www.apminebanconvention.org)

## Victim assistance: one of the AP Mine Ban Convention's four core aims



**Purpose:**  
 "To put an end to the suffering and casualties caused by anti-personnel mines."

[www.apminebanconvention.org](http://www.apminebanconvention.org)

## Four core aims, four key questions...



**Who?**



**How much?**



**What?**



**When?**

[www.apminebanconvention.org](http://www.apminebanconvention.org)



## Four core aims: Who? What? How much? By when?

<p><b>Prohibitions</b></p>	<p><u>Who is responsible?</u> All States Parties</p>	<p><u>Specifically, each actor is responsible for what?</u> No use, production, transfer, etc. of AP mines</p>	<p><u>How will this be measured?</u> Yes or no: Use, production, transfer, etc. of AP mines?</p>	<p><u>By when?</u> Immediately and always</p>
<p><b>Stockpile Destruction</b></p>	<p><u>Who is responsible?</u> All States Parties reporting stockpiled AP mines</p>	<p><u>Specifically, each actor is responsible for what?</u> Destroying all AP mine stockpiles under jur. / control</p>	<p><u>How will this be measured?</u> Number of mines destroyed relative to those reported</p>	<p><u>By when?</u> Within four years</p>
<p><b>Mine clearance</b></p>	<p><u>Who is responsible?</u> All States Parties reporting AP mines in mined areas</p>	<p><u>Specifically, each actor is responsible for what?</u> Destroying all emplaced AP mines under jur. / control</p>	<p><u>How will this be measured?</u> Amount of area cleared, number of mines destroyed relative to reported</p>	<p><u>By when?</u> Within ten years</p>
<p><b>Victim assistance</b></p>	<p><u>Who is responsible?</u> ???????????</p>	<p><u>Specifically, each actor is responsible for what?</u> ????????????</p>	<p><u>How will this be measured?</u> ????????????</p>	<p><u>By when?</u> ????????????</p>



## Victim assistance: A dilemma for the States Parties



“In many mine affected countries the assistance available to address the needs of survivors is inadequate.”  
-- ICBL 2004

“The extent to which landmine survivors’ needs are not being met is generally still unknown.”  
-- ICBL 2004



## Victim assistance: Understanding the aim

*Victim* as defined by the States Parties:

- “Those who either individually or collectively have suffered physical or psychological injury, economic loss or substantial impairment of their fundamental rights through acts or omissions related to mine utilization.”
- A broad approach to what is considered a landmine victim has been accepted.
- However, the majority of attention has been focused on providing assistance to those individuals directly impacted by mines.
- These individuals have specific needs for assistance.



[www.apminebanconvention.org](http://www.apminebanconvention.org)



## Victim assistance: Understanding the aim

*Victim assistance*, defined by the States Parties:

- Understanding the extent of the challenges faced
- Emergency and continuing medical care
- Physical rehabilitation, including physiotherapy, prosthetics and assistive devices
- Psychological support and social reintegration;
- Economic reintegration
- The establishment, enforcement and implementation of relevant laws and public policies



[www.apminebanconvention.org](http://www.apminebanconvention.org)

## Victim assistance: Understanding the broader context



### *Victim assistance* in the context of disability:

- ❑ Survivors are a sub-group of larger communities of persons with injuries and disabilities.
- ❑ The problems faced by landmine survivors are similar to the challenges faced by other persons with injuries and disabilities.
- ❑ Landmine victim assistance should not exclude any person injured or disabled in another manner.



[www.apminebanconvention.org](http://www.apminebanconvention.org)

## Victim assistance: Understanding the broader context



### *Victim assistance* in the context of health care, social services, rehabilitation, reintegration and human rights:

- ❑ Victim assistance does not require the development of new fields or disciplines.
- ❑ Landmine victim assistance should be viewed as a part of a country's overall public health and social services systems and human rights frameworks.
- ❑ These systems and frameworks should be made adequate to meet the needs of all citizens — including landmine victims.



[www.apminebanconvention.org](http://www.apminebanconvention.org)



## Victim assistance: Understanding responsibility

- Each State Party in a position to do so has a responsibility to support mine victims.
- It is a basic responsibility of a State to ensure the well-being of its population.
- This responsibility is most pertinent for those States that are responsible for significant numbers – hundreds or thousands – of landmine survivors.
- While not forgetting the responsibilities to landmine victims wherever they may be, a greater emphasis must be placed on the fulfilment of the responsibilities to landmine victims by these States Parties.



[www.apminebanconvention.org](http://www.apminebanconvention.org)



## Victim Assistance

26 States Parties have indicated that they have a responsibility for significant numbers of landmine survivors:

Afghanistan	Guinea Bissau
Albania	Iraq
Angola	Jordan
Bosnia and Herzegovina	Mozambique
Burundi	Nicaragua
Cambodia	Peru
Chad	Senegal
Colombia	Serbia
Croatia	Sudan
DRC	Tajikistan
El Salvador	Thailand
Eritrea	Uganda
Ethiopia	Yemen



[www.apminebanconvention.org](http://www.apminebanconvention.org)



## Victim assistance: Who? What? How much? By when?

 <p><b>Victim assistance</b></p>	<p><u>Who is responsible?</u></p>	<p><u>Specifically, each actor is responsible for what?</u></p>	<p><u>How will this be measured?</u></p>	<p><u>By when?</u></p>
<p>Understanding the challenge, health care, physical rehab, psychological support &amp; social reintegration, economic reintegration, legal / policy framework.</p> <p>Does not require the development of new fields or disciplines.</p> <p>Requires that public health and social services systems and human rights frameworks are adequate to meet the needs of all citizens — including landmine victims.</p>	<p>Afghanistan Albania Angola Bosnia and Herzegovina Burundi Cambodia Chad Colombia Croatia DRC El Salvador Eritrea Ethiopia Guinea Bissau Iraq Jordan Mozambique Nicaragua Peru Senegal Serbia Sudan Tajikistan Thailand Uganda Yemen</p>	<p>What can be / should be achieved will be different for each State Party.</p> <p>As the ultimate responsibility rests with the State, each must define what can be / should be achieved.</p> <p>Others may assist in understanding problems, developing plans and monitoring implementation.</p> <p>However, real and sustainable progress cannot be made without the affected States Parties themselves "owning" the problem and the solutions to it.</p> <p>Until what is desired is <u>measurable</u> and <u>time-bound</u>, success / failure will constantly be an undefined and / or a changeable target.</p>	<p>Objectives need to be time-bound: What will be achieved when?</p>	



## Affected States Parties can / should set the agenda:

- ❑ What in concrete terms do you want to achieve by when?
- ❑ Is what you want to achieve SMART? (Specific, Measurable, Achievable, Relevant, Time-Bound)
- ❑ Are all relevant ministries engaged in establishing SMART objectives and developing plans?
- ❑ What is your plan to achieve what it is you want to achieve?
- ❑ Do your plans take into account the place of landmine victim assistance in broader contexts?





## 10 steps in developing a national response

1. Sensitise relevant ministries to Convention obligations.
2. Establish an inter-ministerial group, inclusive of survivors and civil society organisations, to oversee the process.
3. Assign responsibility to various ministries according to competence.
4. Organise a national workshop begin a situation analysis and to develop goals.
5. Complete the situation analysis, establishing an inventory of who is doing what, and, what plans and strategies are already in place.
6. Review the situation analysis to project what the situation should look like in the future.
7. Establish SMART objectives.
8. Organise a second workshop to seek views on the development a national plan.
9. Complete a plan, taking into account plans and budgets of existing ministerial activities.
10. Mobilise resources, ensuring integration into broader appeals for development assistance.



[www.apminebanconvention.org](http://www.apminebanconvention.org)



## Victim Assistance: progress

### 2009 – Pretoria

- Strategic effort to apply these conclusions
- VA largely treated analogous to other obligations
- Sovereign States logically ultimately responsible
- 26 States Parties with significant responsibilities
- Better data on survivors, SMART objectives
- NGOs can now critique relative to a benchmark
- Convention's practices the model for the CCM



[www.apminebanconvention.org](http://www.apminebanconvention.org)



## Victim Assistance: challenges



### Challenges to address at Cartagena Summit

- Individual States continue to take responsibility
- Translating responsibility into a difference on the ground
- VA in the context of broader disability and human rights
- Applying a gender perspective to victim assistance
- Inclusion of survivors and other persons with disabilities



[www.apminebanconvention.org](http://www.apminebanconvention.org)

**Thank you!**



[www.apminebanconvention.org](http://www.apminebanconvention.org)