

Fragile situations, conflict and victim assistance

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- Victim assistance continues to be an essential commitment for mine survivors, their families, and communities in fragile and conflict-affected states
- These same states have limited capacity, as reflected in the lack of regular reporting that would help the international community determine how best to earmark assistance
- In many of these states, the provision of victim assistance can both benefit from and contribute to the implementation of the Convention on the Rights of Persons with Disabilities and progress toward the unanimously UN General Assembly agreed post-2015 Sustainable Development Goals
- Landmine victim assistance supports the needs of many other people affected by conflict, particularly those impacted by other types of explosive weapons
- It is clear that a significant commitment to sustained international cooperation is needed to assist fragile and conflict-affected states in meeting their victim assistance obligations

States with significant numbers of victims¹ have made identical commitments to providing assistance, however their capacity varies. Those states with existing capacity and services tend to get the most attention and are also most often used as examples of good practices. Yet, many of these states face circumstances that limit their opportunities to report on the progress that they have made, hindering their ability to identify needs and to request appropriate assistance. With support, states facing such challenges can make headway, but not if they are overlooked and their challenges remain unheard.

At least 15 of the Mine Ban Treaty States Parties with significant numbers of landmine victims² are listed in the 2015 Organisation for Economic Co-operation and Development (OECD) report, “States of Fragility.” *Landmine Monitor* gathers information on victim assistance in all these States Parties, and provides summaries.³ However, overall, reporting by these states in the context of the Mine Ban Treaty is extremely limited or entirely absent. This indicates that states with fragile situations may require more capacity or support in order to compile and submit updates on victim assistance. Further to the difficulties faced in states with fragility, conflict situations and natural disasters also influence the prevalence of disability, both by creating impairments and by creating barriers to access in the physical environment.⁴

According to the Maputo Action Plan, adopted by all States Parties at the Mine Ban Treaty Third Review Conference, “efforts to implement plans, policies and legal frameworks” should be communicated annually by affected states. Twelve of those 15 States Parties have reported on victim assistance in voluntary Form J of their Mine Ban Treaty Article 7 report at some point in time since the Mine Ban Treaty Cartagena Action Plan was adopted in 2009; all except Democratic Republic of Congo, Eritrea, and Uganda.



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Updates by Mine Ban Treaty States Parties with significant numbers of victims and fragile situations⁵

State Party	Statement on victim assistance at Maputo Review Conference (2014)	Statement on victim assistance at 14MSP (2015)	Last transparency report to include information on victim assistance
Afghanistan	Yes	Yes	2016 (Detailed)
Bosnia & Herzegovina	No	No	2016 (Detailed)
Burundi	No	No	2015
Chad	No	No	2016 (Brief)
Democratic Republic of Congo	Yes	No	2011 (No report since 2014)
Eritrea	No	No	Never (No report since 2014)
Ethiopia	No	No	2009 (No report since 2011)
Guinea-Bissau	No	No	2011 (No report since 2011)
Iraq	No	Yes	2015
Somalia	No	No	2012 (No report since 2013)
South Sudan	No	No	2015
Sudan	No	No	2015 (Casualty data only)
Uganda	No	No	Never (No report since 2011)
Yemen	No	No	2014 (No report since 2014)
Zimbabwe	No	Yes	2015

Note: No = no statement (or not available)

An evolving definition of fragile states

The OECD has recognized that a broader methodology for assessing fragility will be necessary in the post-2015 period. A set of five proposed fragility indicators related to risk and vulnerability include: 1) violence; 2) access to justice for all; 3) effective, accountable, and inclusive institutions; 4) economic inclusion and stability; 5) capacities to prevent and adapt to social, economic, and environmental shocks and disasters.⁶ This approach would mean more lower-middle income countries will be included, such as states in the Americas with responsibilities for fulfilling the rights and needs of landmine victims.

Complementary commitments and obligations

Of the 15 Mine Ban Treaty States Parties listed in the 2015 “States of Fragility” report, five (Afghanistan, Chad, Guinea-Bissau, Iraq, and Somalia) are States Parties to the Convention on Cluster Munitions with responsibilities for cluster munitions victims and therefore have reporting obligations under Article 7 of that convention. Afghanistan submitted reports on victim assistance in 2016. Eleven⁷ of the 15 Mine Ban Treaty States Parties in fragile situations are also parties to the Convention on the Rights of Persons with Disabilities (CRPD), and can link reporting under the CRPD to the Maputo Action Plan’s victim assistance commitments.

In March 2016, the Chair of the Mine Ban Treaty Victim Assistance Committee noted that Article 11 of the CRPD had been considered in preparations for the World Humanitarian Summit, scheduled for late May 2016, through the issue “Making humanitarian action work for people with disabilities.” The summit’s agenda includes the “leave no one behind” message of the Sustainable Development Goals (SDGs). Unanimously adopted by the United Nations

General Assembly in September 2015, through Resolution 70/1, Transforming our World: the 2030 Agenda for Sustainable Development, the SDGs are designed to address the economic, social, and environmental dimensions of sustainable development and are expected to be used by all states to frame policies and stimulate change from 2015 to 2030. The SDGs recognize the need for the “achievement of durable peace and sustainable development in countries in conflict and post-conflict situations.”

By emphasizing participatory poverty reduction efforts, equality, and inclusion, the SDGs are complementary to the accomplishment of the victim assistance commitments of the Mine Ban Treaty’s Maputo Action Plan, including States Parties’ ultimate objective of ensuring “the full, equal and effective participation of mine victims in society.”⁸

In the paper “Equal Basis: Inclusion and Rights in 33 Countries,” launched at the Mine Ban Treaty Fourteenth Meeting of States Parties, the Monitor outlines lessons learned from previous national endeavors to enhance victim assistance through development strategies and objectives.⁹ Speaking at a special high level victim assistance session of the Mine Ban Treaty during the Fourteenth Meeting of States Parties in November 2015, the UN Special Rapporteur on the Rights of Persons with Disabilities also pointed out potential future challenges to the success of development goals:

The Sustainable Development Goals offer a great opportunity for all, including for persons with disabilities. However, the limited capacity to implement and measure the level of impact of the SDGs is a risk that must be addressed in order to avoid another failure of the development agenda in relation to persons with disabilities.¹⁰

Conflict and a non-discriminatory approach to assistance

Fragility, conflict, and violence continue to impede the provision of victim assistance in many countries.¹¹ Mine Ban Treaty States Parties have understood for some time that victim assistance should be carried out “in such a way that there is non-discrimination between mine survivors and others who have otherwise been injured and/or have acquired a disability.”¹² A 2015 thematic study of the Office of the United Nations High Commissioner for Human Rights (OHCHR) notes that under the Maputo Action Plan 2014–2019, Mine Ban Treaty States Parties committed to integrate landmine victims with disabilities into the broader legal frameworks related to the rights of persons with disabilities, thus reflecting “a more updated understanding of the issue.”¹³ The issues related to the rights of persons with disabilities in situations of conflict and humanitarian emergencies were further discussed and considered by the Human Rights Council in March 2016.¹⁴

The ICBL has stated specifically that “all efforts supported with victim assistance funding should benefit people injured as a result of any explosive weapons and people with similar impairments from other causes.”¹⁵ Reporting on annual casualties¹⁶ caused by explosive weapons, as recorded by Action on Armed Violence, indicates a broad overlap between countries with a great number of victims due to current use of all types of explosive weapons, and those countries reported in *Landmine Monitor* with ongoing casualties due to mines, cluster munitions, and other explosive remnants of war (mine/ERW casualties).

Victim assistance and countries with the most explosive weapons casualties in 2015¹⁷

High numbers of explosive weapon casualties in 2015	Monitor reporting Mine/ERW casualties	Mine Ban Treaty victim assistance commitments	Convention on Cluster Munitions victim assistance obligations
Afghanistan	Yes	Yes	Yes
Chad	Yes	Yes	Yes
Egypt	Yes		
Iraq	Yes	Yes	Yes
Lebanon	Yes		Yes
Libya	Yes		
Pakistan	Yes		
Somalia	Yes	Yes	Yes
Syria	Yes		
Turkey	Yes	Yes	
Ukraine	Yes	Yes	
Yemen	Yes	Yes	

Note: **bold** = Mine Ban Treaty States Parties

Regarding the impact of conflict and particularly explosive weapons, the ICBL also noted that given the current state of conflict in the world, there are increasing numbers of victims of other types of explosives, especially survivors of all types of improvised explosive devices (IEDs).¹⁸ This statement refers to survivors of victim-activated IEDs—which are considered to be landmines—as well as survivors of many other types of IEDs who are in need of the same services.¹⁹

Because resources are scarce, adherence to principles of both non-discrimination and of international cooperation are important, as a number of states already recognize. For example, in February 2015, Iraq and Afghanistan both presented updated information on their extensive needs and how survivors of all types of IEDs are included in their existing victim assistance programs.²⁰

States Parties have committed to assisting landmine victims and other persons with similar needs. However, about half of all States Parties with significant numbers of victims are listed as fragile states. These likely face challenging barriers to fulfilling their commitments under the Maputo Action Plan and to reporting progress and gaps in assistance. With specific international support and well-directed cooperation as well as increased national focus at all levels of governance, States Parties in fragile situations are better able to address victim assistance commitments.

Notes:

¹ The Monitor reports on the following 31 Mine Ban Treaty States Parties in which there are significant numbers of survivors: Afghanistan, Albania, Algeria, Angola, Bosnia and Herzegovina, Burundi, Cambodia, Chad, Colombia, Democratic Republic of Congo, Croatia, El Salvador, Eritrea, Ethiopia, Guinea-Bissau, Iraq, Jordan, Mozambique, Nicaragua, Peru, Senegal, Serbia, Somalia, South Sudan, Sudan, Tajikistan, Thailand, Turkey, Uganda, Yemen, and Zimbabwe. This list includes 29 States Parties that have indicated that they have significant numbers of survivors for which they must provide care as well as Algeria and Turkey, which have both reported hundreds or thousands of survivors in their official landmine clearance deadline (Mine Ban Treaty Article 5) extension request submissions. Algeria, Mine Ban Mine Ban Treaty Revised Article 5 Extension Request, 31 March 2011, www.apminebanconvention.org/fileadmin/pdf/other_languages/french/MBC/clearing-mined-areas/art5_extensions/countries/Algeria-ExtRequest-Revised-17Aug2011-fr.pdf; and Turkey, Mine Ban Mine Ban Treaty Article 5 Extension Request, 28 March 2013, www.apminebanconvention.org/fileadmin/APMBC/clearing-mined-areas/art5_extensions/countries/Turkey-ExtRequest-Received-29Mar2013.pdf.

² Victims include survivors, people killed, families, and affected communities. A survivor is a person who was injured but lived.

³ See Landmine and Cluster Munition Monitor, “Equal Basis: Inclusion and Rights in 33 Countries,” 2015, www.the-monitor.org/media/2155496/Equal-Basis-2015.pdf; and Victim Assistance summary in *Landmine Monitor 2015*, www.the-monitor.org/en-gb/reports/2015/landmine-monitor-2015/casualties-and-victim-assistance.aspx.

⁴ World Health Organization, and World Bank, *World report on disability*, Geneva, 2011, p. 37, www.who.int/disabilities/world_report/2011/en.

⁵ OECD, “List of fragile states and economies used for preparing the 2015 OECD report on States of Fragility,” www.oecd.org/dac/governance-peace/conflictfragilityandresilience/docs/List_of_fragile_states.pdf. The OECD list is a composite of the World Bank’s Harmonized List of Fragile Situations FY14 and the Fund for Peace’s Fragile States Index 2014. The full OECD list of fragile states includes 50 countries and areas: Afghanistan, Bangladesh, Bosnia & Herzegovina, Burundi, Cameroon, Central African Republic, Chad, Comoros, Democratic Republic of Congo, Republic of Congo, Cote d’Ivoire, Egypt, Eritrea, Ethiopia, Guinea, Guinea-Bissau, Haiti, Iraq, Kenya, Kiribati, Kosovo, Liberia, Libya, Madagascar, Malawi, Mali, Marshall Islands, Mauritania, Micronesia, Myanmar, Nepal, Niger, Nigeria, North Korea, Pakistan, , Rwanda, Sierra Leone, Solomon Islands, Somalia, South Sudan, Sri Lanka, Sudan, Syria, Timor Leste, Togo, Tuvalu, Uganda, Yemen, West Bank & Gaza (Palestine),and Zimbabwe.

⁶ OECD, “States of Fragility 2015, Meeting Post-2015 Ambitions,” 2015, p. 6, www.oecd-ilibrary.org/docserver/download/4315011ec006.pdf?expires=1462985407&id=id&accname=guest&checksum=AF709C0CB7317EBAB39E794FFBE99054.

⁷ The CRPD States Parties are Afghanistan, Bosnia and Herzegovina, Burundi, Democratic Republic of Congo, Ethiopia, Guinea-Bissau, Iraq, Sudan, Uganda, Yemen, and Zimbabwe. In addition, Chad is a CRPD signatory.

⁸ Mine Ban Treaty, Maputo Action Plan, 27 June 2014. See Landmine and Cluster Munition Monitor, “Equal Basis: Inclusion and Rights in 33 Countries,” 2015, www.the-monitor.org/media/2155496/Equal-Basis-2015.pdf.

⁹ See Landmine and Cluster Munition Monitor, “Equal Basis: Inclusion and Rights in 33 Countries,” 2015, www.the-monitor.org/media/2155496/Equal-Basis-2015.pdf.

¹⁰ Statement by Catalina Devandas Aguilar, Special Rapporteur on the Rights of Persons with Disabilities, Mine Ban Treaty Fourteenth Meeting of States Parties, 30 November 2015.

¹¹ See Landmine and Cluster Munition Monitor, “Victim assistance and CRPD Article 11: Situations of risk and humanitarian emergencies” (2015), staging.monitor.lastexitlondon.com/media/2034853/MonitorBriefingPaper_VAandArticle11_25June2015.pdf.

¹² “Review of the Operation and Status of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, 2010–2014,” 2015, www.maputoreviewconference.org/fileadmin/APMBC-RC3/3RC-Draft-review-Convention.pdf.

¹³ OHCHR, “Thematic study on the rights of persons with disabilities under article 11 of the Convention on the Rights of Persons with Disabilities, on situations of risk and humanitarian emergencies,” (A/HRC/31/30) para. 19, 30 November 2015.

¹⁴ Human Rights Council, “The rights of persons with disabilities in situations of risk and humanitarian emergencies,” (A/HRC/31/L.8) 21 March 2016.

¹⁵ Statement of ICBL, Mine Ban Treaty Fourteenth Meeting of States Parties, December 2015.

¹⁶ Casualties include persons killed and injured.

¹⁷ Cameroon, Saudi Arabia, and Nigeria were also included in the AOAV list of the countries with the most explosive weapons casualties in 2015, however these were not included in the table as no mine/ERW casualties had been recorded. See: AOAV, “Unacceptable Harm: AOAVs Explosive Violence Monitor 2015,” April 2016, <https://aoav.org.uk/2016/unacceptable-harm-aoavs-explosive-violence-monitor-2015/>; and AOAV, “Explosive States: Monitoring Explosive Violence In 2014,” <https://aoav.org.uk/wp-content/uploads/2015/06/AOAV-Explosive-States-monitoring-explosive-violence-in-2014.pdf>.

¹⁸ Statement of ICBL, Mine Ban Treaty Fourteenth Meeting of States Parties, 2 December 2015.

¹⁹ See Landmine and Cluster Munition Monitor, “Victim-activated IED casualties” (Briefing paper), www.the-monitor.org/media/2155552/2015_IEDs_BriefingPaper.pdf.

²⁰ Separate side event presentations were made by Afghanistan and Iraq at the 19th International Meeting of Mine Action National Programme Directors and United Nations Advisors, in Geneva on 16 and 17 February 2016. Previously both countries had also reported on assistance to IED casualties as being carried out within the scope of existing mine action victim assistance programs. See: Convention on Conventional Weapons (CCW) Amended Protocol II, “Iraq Ministry of Health Program to Support Mine Victims,” Session of the Group of Experts, IEDs and Victim Assistance, 23–24 April 2012, [www.unog.ch/80256EDD006B8954/%28httpAssets%29/1DDB4820E28C064DC12579F1005531BB/\\$file/Iraq_IEDs+2012.pdf](http://www.unog.ch/80256EDD006B8954/%28httpAssets%29/1DDB4820E28C064DC12579F1005531BB/$file/Iraq_IEDs+2012.pdf); and CCW Amended Protocol II, “IED Victim Assistance in Afghanistan,” Session of the Group of Experts, IEDs and Victim assistance, Geneva, 8–9 April 2013.