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Implementing the Ottawa Convention in Southeast Europe: Meeting Expectations in a Challenging Environment

by Kerry Brinkert (Geneva International Centre for Humanitarian Demining)

The year 2001 marks the tenth anniversary of the Ottawa Convention (hereinafter referred to as the Convention) which came into force on 3 December 2001. The Convention is an international treaty designed to alleviate the human suffering caused by anti-personnel mines and to promote our international commitment to ban these weapons. Since its adoption, the Convention has been widely ratified, and progress in mine action has been remarkable. However, as the term of the Convention begins to approach, many issues concerning the implementation of the Ottawa Convention remain.

Further Collaboration

As an offshoot of their initial training sessions, participants in the Mine Victims’ Association process began collaborating with journalists, doctors, local politicians and representatives of the national denominating organizations. Group members expressed a desire to improve and expand the initiative among mine victims to provide necessary assistance on a regular basis. Plans were solidified for the future activities of the MVA, including activities in several Tertar district villages. In November 2006, members of the national and international media were invited to the Teter region to become acquainted with the work of the IEPF and the Azerbaijani National Agency for Mine Action. Meetings with the orthopedic representatives of the International Committee of the Red Cross were held in December 2006 to better understand the needs of mine victims in the Teter region. The dialogue resulted in the need for better integration of mine victims and their families into society and as models for other mine-affected communities.

Mine-victim Entrepreneurs

Many of the participants in the MVA seminars have started or furthered their own businesses in the Teter district based on the information and support provided in the workshops. Three participants—Nizami Bardary, Khadjir Hajamov and Mohammad Shirinov—are currently involved with seedling projects and beekeeping. Most of the mine-victim entrepreneurs make four to five times their annual pensions from their salaries. Despite their injustices, these mine victims are actively contributing to their local economies—and they are part of a larger trend toward increased personal independence with vital assistance programs. Beyond providing valuable services, these entrepreneurs are integrating into society and serving as models for other mine-affected communities.

Long-term Goals and Enduring Challenges

Unud Shirinov says "The mining victims will help establish more agricultural units in accordance with mine victims’ business plans, conduct vocational courses for victims and their family members, and provide new job placements to further improve socioeconomic status. All of these undertakings will be accomplished to support the mine victims as they settle their most important problems," he adds.

Plans are already underway to improve the repair process on prosthetic appliances. Shirinov says: "Mine victims have to leave for Baku or Ganja cities, and, of course, they have some difficulties in doing it." he says. The IEPF is currently preparing information on how easy repairs can be made without the need for expensive travel. But all problems have not been easy to solve.

Shirinov notes that providing assistance to mine victims who must be treated and rehabilitated abroad is incredibly difficult. The MVA also faces difficulty in implementing the prepared business plans for seminar participants. ‘Great support is needed to improve the mine victims’ social-economic state, to establish their farm units, to realize individual business plans and to assign social aid to mine victims in poor living conditions,’ he says.

There is also the problem of addressing the needs of mine victims in other regions of the country. Regional branch offices will soon begin to tackle complex vocational, medical, juridical and social problems in other areas of Azerbaijan. The IEPF is looking to expand further to give greater attention to other villages as branch officers of the Azerbaijani Mine Victims’ Association are prepared in Agroafa, Baku and Fuzuli. See Endnotes, Page 2

The Expectations and Challenges Ottawa Presents

The treaty refers to itself as an obligation of states to end the suffering caused by anti-personnel mines and to prevent future victims of these mines. The Ottawa Convention is not just about the destruction of anti-personnel mines, but rather about the human suffering caused by them. The Ottawa Convention’s main achievement over the past decade has been to make anti-personnel mines a global taboo. The Ottawa Convention has helped to create a global consensus on the prohibition of anti-personnel mines, which has been reflected in the work of the international community.

The challenges, however, are great, not only due to the magnitude of the problems, but also because fulfilling state responsibilities has been complicated in SEE. For instance, every state in the region has recently been in some form of transition in terms of the establishment or re-establishment of state structures or in terms of transition...
from pre- to post-Cold War state structures. Moreover, some SEE states lack the means to completely fulfill state responsibilities. Challenges notwithstanding, every SEE state has expressed its consent to be bound by the Ottawa Convention. In doing so, each state has created expectations that significant mine-action progress will be made and that the ultimate desired impact, an end to suffering and casualties for all people for all time, will eventually be realized. On 18 September 2007, a decade will have passed since the Convention was adopted, States Parties are now on the eve of a judgment day for progress in meeting these expectations.

In accordance with Article 5 of the Convention, States Parties are expected to do three things:

1. Each State Party must ‘make every effort to identify all areas under its jurisdiction or control in which AP mines are known or suspected to be employed’.2

2. Each State Party identifying such areas must ‘ensure as soon as possible that all AP mines in mined areas under its jurisdiction or control are deminer-monitored and protected by fencing or other means, to ensure the effective exclusion of civilians, until all AP mines contained therein have been destroyed’.3

3. Each State Party identifying such areas must ‘destroy or ensure the destruction of all AP mines in mined areas under its jurisdiction or control as a matter of urgent priority, making its needs for assistance known to other States Parties, as appropriate’.4

Of course, common sense also dictates that States Parties must establish a high degree of confidence that all necessary measures have been taken. Macedonia ill-illustrated its commitment to building such confidence by providing clarity with respect to the standards being applied and the means of verification and quality assurance being used. In doing so, Macedonia aligned to the International Mine Action Standards,5 which stipulate that States Parties make every effort in mine action by defining a ‘defining process’ and hence providing guidance to States Parties in proceeding with tasks such as identifying mined areas, establishing a national demining programme, locating and removing/removing AP mines, and assuring that a high standard has been achieved in mine clearance and related activities. No state is obliged to use the IMAs as such, but if it is included in national programmes, States Parties wish, they can use the IMAS as guidance in establishing national standards for operational actions in order to meet expectations in fulfilling their legal Ottawa Convention obligations.

BiH and Croatia: More Time is Required

While Macedonia was able to fulﬁll its obligations in a 10-year period, it was understood when the Convention was adopted that some States Parties may need more time to destroy or ensure the destruction of all AP mines in mined areas under their jurisdiction or control. After the adoption of Article 5 of the Convention, States Parties may request an extension for a period of up to 10 years. Indeed, this understanding was made clear by the Foreign Minister of Bosnia and Herzegovina in 1997 when he stated that ‘we are aiming to comply with the 10-year time limit and do not want to consider an extension of our problem may make this the only solution’.6

BiH and Croatia have indicated that their challenging environment means they will not reach Article 5 completion in a 10-year period. This, however, does not represent a failure to meet expectations; claiming such would ignore the legal obligations States Parties have under the Convention, and disregarding these States’ considerable efforts to date in proceeding to fulﬁll their obligations. Rather, BiH and Croatia are well-placed to claim success in meeting expectations.

1. They achieve by 2009 “a status of work conducted under a national demining programme that one could reasonably expect after a 10-year period”

2. A template for preparing extension requests has been developed and enhanced by Canada and is ready for consideration by States Parties in their November 2007 meeting. Ultimately, though, this is a voluntary choice and there is nothing stopping States like BiH and Croatia from proceeding with the task at hand. In doing so, it is advisable that States Parties be as “SMART” as possible when planning their strategy for meeting expectations, that is, specific, measurable, achievable, relevant, and time-bound.6

3. Each State Party should use the extension provision of Article 5 as a ‘vehicle for the full implementation of the Convention’ and not as an excuse to mine areas that currently have been declared as containing AP mines, what is the total area in which Article 5 obligations were fulfilled? What means were used to fulfill these obligations? How many AP mines were destroyed and how many other explosive remnants of war were destroyed? How much area and which areas remain in which Article 5 obligations must still be fulfilled? Of those, which areas have been and have not yet been perimeter-marked, monitored and protected by fencing or other means to ensure the effective exclusion of civilians, until AP mines contained therein have been destroyed? Is there a status of work conducted under a national demining programme that one could reasonably expect after a 10-year period? What was the estimated date for destroying or ensuring the effective exclusion of all suspected hazard areas? What is the estimated date for destroying or ensuring the effective exclusion of all suspected hazard areas? What means were used to fulfill these obligations? How many AP mines were destroyed and how many other explosive remnants of war were destroyed? How much area and which areas remain in which Article 5 obligations must still be fulfilled? Of those, which areas have been and have not yet been perimeter-marked, monitored and protected by fencing or other means to ensure the effective exclusion of civilians, until AP mines contained therein have been destroyed? Is there a status of work conducted under a national demining programme that one could reasonably expect after a 10-year period? What was the estimated date for destroying or ensuring the effective exclusion of all suspected hazard areas? What is the estimated date for destroying or ensuring the effective exclusion of all suspected hazard areas? What means were used to fulfill these obligations? How many AP mines were destroyed and how many other explosive remnants of war were destroyed? How much area and which areas remain in which Article 5 obligations must still be fulfilled? Of those, which areas have been and have not yet been perimeter-marked, monitored and protected by fencing or other means to ensure the effective exclusion of civilians, until AP mines contained therein have been destroyed? Is there a status of work conducted under a national demining programme that one could reasonably expect after a 10-year period? What was the estimated date for destroying or ensuring the effective exclusion of all suspected hazard areas? What is the estimated date for destroying or ensuring the effective exclusion of all suspected hazard areas? What means were used to fulfill these obligations? How many AP mines were destroyed and how many other explosive remnants of war were destroyed? How much area and which areas remain in which Article 5 obligations must still be fulfilled? Of those, which areas have been and have not yet been perimeter-marked, monitored and protected by fencing or other means to ensure the effective exclusion of civilians, until AP mines contained therein have been destroyed? Is there a status of work conducted under a national demining programme that one could reasonably expect after a 10-year period? What was the estimated date for destroying or ensuring the effective exclusion of all suspected hazard areas? What is the estimated date for destroying or ensuring the effective exclusion of all suspected hazard areas? What means were used to fulfill these obligations? How many AP mines were destroyed and how many other explosive remnants of war were destroyed? How much area and which areas remain in which Article 5 obligations must still be fulfilled? Of those, which areas have been and have not yet been perimeter-marked, monitored and protected by fencing or other means to ensure the effective exclusion of civilians, until AP mines contained therein have been destroyed?