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MINE ACTION'S CRACKED PILLAR

by Joe Lokey, Depuy Director, Mine Action Information Center

JUST ABOUT ANYONE doing anything regarding landmines knows the four pillars of mine action. We routinely acknowledge that mine awareness, mine clearance, victim assistance and advocacy must all proceed simultaneously if the world is to be aware of the threat of mines, have safe roads, fields and schoolyards, support the rehabilitation and reintegration of victims and survivors, and convince all governments to move quickly toward a mine-free world.

The articles in this issue of the "Journal of Mine Action" focus on victim and survivor assistance as a crucial and critical pillar of that four-cornered approach. This crucial pillar, however, may be cracking. On the horizon, there are continuing questions about maintaining an adequate source of funding to provide assistance for the care and rehabilitation and social and economic reintegration of mine victims. Without the organization and direction needed to give involved governments and industry partners a clear picture of how they need to help, the victim assistance pillar will be a weak one among the four.

While the mine clearance area now focuses on specifically recommended technologies and programs that will make the biggest impact on mine reduction, the victim assistance area has yet to formulate specific strategic objectives on an international scale that guide resource managers to the most effective use of their contributions. The Guidelines for the Care & Rehabilitation of Survivors is an enormously valuable first step. It does a superb job of laying out principles and the foundation upon which national policies may be built. The clarity of these guidelines, however, may also be their biggest liability.

The fear within the survivor community that "positive discrimination" (giving landmine survivors aid that others equally in need can not receive) would somehow isolate them from the rest of the community has led to an aid approach that groups survivors with other disabled. While there is certainly no moral objection to this view it may be bringing unintended consequences. Pragmatically it: (1) cloaks survivor issues in a timidity that doesn't necessarily rise above other voices of need and (2) has estranged survivors within the greater social disability picture many donors consider unattractive and too expensive to redress in the short term. Donors who passionately want to do something to help put a prosthesis on a victim will not be as enthusiastic if they understand their funding will be used to build wheelchair accessible ramps in downtown Cairo or lobby parliaments for greater disability benefits. Both of these possibilities lead to less funding for victim assistance initiatives—crack one.

The international community has had little coordinated response to these and other concerns. There is some optimism that the Intersectoral Standing Committee of Experts (SCE) on Victim Assistance that met in Geneva in September 1999 would have come to the same conclusion and produce more than the customary moral outrage that has characterized many victim assistance conferences. The results of the Geneva meeting and its impact are just beginning to emerge. The main problem with the SCE is that it is inexorably tied to the Ottawa Treaty and all the baggage that entails. While the treaty is remarkable for the awareness and consensus it built, it is much less an actionable document and does not necessarily compel the transfer of resources to support mine action. There are those, however, who want to change that without changing the treaty.

Signatory States to the Ottawa Treaty may have unwittingly obligated themselves to raise on their national treasury under Article 6, Paragraph 3, when they agreed that "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 ..." Under this terminology, outside groups determine whether or not a State is in a position to do so and if, in their opinion, adequate resources are not forthcoming, then maintains that the State has abrogated its obligations and is in non-compliance with the treaty. The word "may" instead of "shall" would have left a true measure of internal authority whereas use of the latter forces the States to open their checkbooks to aid organizations and activists. This is no small point to countries with limited GDP growth and internal problems of their own.

The solution to victim assistance long-term funding, in this extortious view, is to legally compel States to meet their treaty obligations by mandating contributions to a "fund" to be held at the Federal Reserve Bank, similar to the International Fund for allotted to the cause of mine action. When the treaty was signed, the US called this funding "an empty shell" and signed only for the funding of the International Fund for Mine Action (FIMA) in the short term. Donors who passionately want to do something to help put a prosthesis on a victim will not be as enthusiastic if they understand their funding will be used to build wheelchair accessible ramps in downtown Cairo or lobby parliaments for greater disability benefits. Both of these possibilities lead to less funding for victim assistance initiatives—crack three.

In the coming year, we expect to see a few more meetings and conferences as the various international forums seek pragmatic and feasible solutions to making the current victim assistance pillar more robust. The Ottawa Conference on最少 will probably not have a great impact on the "SCE" process, due to the lack of funding, but it will probably not affect the lack of funding.