

Concept Note

AU-ICRC workshop to advance the implementation of victim assistance obligations arising from various weapons treaties

Introduction

The International Committee of the Red Cross (ICRC) and the African Union Commission (AUC) plan to hold a workshop that will bring together African States with significant numbers of victims of weapons-related injuries, to discuss and seek solutions to the challenges in the areas of victim assistance. It is hoped that such a discussion would help to advance victim assistance in Africa as well as further the implementation of other legal obligations arising from the various international and regional instruments on weapons.. The workshop builds upon an international meeting on victim assistance organized by the ICRC and Norwegian Red Cross in 2009, which brought together experts and practitioners involved in victim assistance activities in countries affected by these weapons, as well as individuals responsible for promoting and supporting the implementation of victim assistance obligations under the Convention on the Prohibition of Anti-personnel Mines, the Protocol on Explosive Remnants of War and the Convention on Cluster Munitions and the UN Convention on the Rights of Persons with Disabilities. It is also a follow-up to the workshop entitled “Weapons Contamination: Addressing Key Challenges to Meeting Clearance Deadlines under the Mine Ban Convention and Convention on Cluster Munitions” that was co-organized by the ICRC and the African Union on 5-7 March 2013 at the African Union Commission.

Background

A number of African States are still trying to deal with the aftermath of armed conflict. This often includes having to clear large amounts of anti-personnel mines, cluster munitions and other unexploded ordnance, as well meeting the needs of victims with weapons-related injuries, many of whom will require life-long care. Affected families and communities may also require support. Over the past 15 years, a series of treaties have been adopted which aim to ensure that such weapons are cleared and that victims get the assistance that they require¹. Adherence to these treaties requires States to meet specific obligations towards the victims of such weapons. In addition, the States Parties to the Convention on the Rights of Persons with Disabilities (CRPD) also have responsibilities to place weapons-injury survivors in a broader disability framework.

Member States of the African Union have taken steps to domesticate these treaties. The 62nd Ordinary Session of the OAU Council of Ministers held from 21-23 June 1995 in Addis Ababa adopted Resolution CM/Res 1593, which focused on ratification of, or accession to the 1980 Convention on Certain Conventional Weapons (CCW) and its protocol II entitled “Prohibition or Restriction of the Use of Mines, Booby-Traps and Other Devices”; and called upon African States to defend a common position on the issue throughout the 1996 CCW review process; and developing and strengthening inter-African cooperation in the areas of mine-clearance and the provision of assistance to victims².

Also, the first All-Africa Regional Conference on Cluster Munitions was held in Zambia from 31 March to 1 April, 2008, within the framework of the Oslo process, to consider effective response to the humanitarian consequences caused by the use of cluster munitions, and the proliferation threat thereof. At its 137th meeting held June 20 2008, the Peace and Security Council recalled the provisions of the Common African Defence and Security Policy and the Post Conflict Reconstruction and Development Policy, particularly those relating to unexploded ordinances, including cluster

¹ Specifically, the Anti-Personnel Mine Ban Convention (APMBC), the Convention on Cluster Munitions (CCM) and the Protocol on Explosive Remnants of War (Protocol V to the Convention on Certain Conventional Weapons).

² The other decisions include Decision CM/Dec.363 (LXVI) adopted by the 66th Ordinary Session of the OAU Council of Ministers, held in Harare, Zimbabwe, in May 1997; Decision AHG/Dec.135 (LXX) adopted by the 35th Ordinary Session of the Assembly of Heads of State and Government of the OAU, held in Algiers, Algeria, in July 1999; and, Decision EX.CL/Dec.164(V) adopted by the 5th Ordinary Session of the Executive Council of the AU, held in Addis Ababa, Ethiopia, in March 2004.

munitions, and called on all Member States to support the second African Conference on cluster munitions, which took place in Kampala, Uganda in September 2008.

Yet in spite of this, many States Parties to these instruments continue to face challenges in meeting their relevant legal obligations. For example, many States either do not have, or have challenges in developing and implementing a national plan for victim assistance. Some still consider victim assistance as only medical assistance or physical rehabilitation, and do not address needs for social and economic reintegration or psychological support. Many countries do not also have systems in place to either collect data to ensure an understanding of the extent of the challenges faced or to monitor the implementation of victim assistance programmes. Appropriate laws and public policies are often either lacking or not adequately implemented. Efforts are also still required to integrate victim assistance into a broader strategy on disability.

Following the completion of the workshop report, the AUC will present a Briefing Note at the AU Summit to inform Member States of the continued need for their commitment in this area.