

Second Review Conference of the Ottawa Convention



**Statement by
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Cartagena, Colombia, 3 December 2009

Madam Chair,
Vice President Santos,
Excellencies,
Ladies and Gentlemen,

On behalf of the United Nations High Commissioner for Human Rights, I am honored to address this distinguished gathering on a subject that lies at the heart and mandate of the United Nations and of the High Commissioner in particular. I would like to express my sincere appreciation to the Government of Colombia for hosting this important event in this wonderful setting of Cartagena de Indias.

As the lead entity in the UN system for human rights, our work in this area has been to ensure that any action with respect to landmines is centered on victims, with particular focus on those groups in vulnerable situations, such as children, women, indigenous communities and rural populations. This requires full respect by all parties to conflict of international humanitarian law.

Ten years after the entry into force of the Convention to Ban Anti-Personnel Mines, the way has been paved for a true "Mine-Free World". The first Review Conference in Nairobi five years ago was a key opportunity to create awareness and promote the Treaty with the objective of putting an end to the human suffering caused by landmines. The steady increase in the number of States Parties to the Treaty is a testimony of the near universal acceptance of the Treaty. One hundred and fifty six States have ratified or have acceded to the Convention.

After 10 years of implementation, we can say with confidence that progress has been immense. The Secretary-General has noted that "landmines aimed at human beings are on the road to extinction". Yet, is little doubt that there are still many challenges ahead that require an urgent and firm action. Most worrying, in 2001-2008 mine-related casualties occurred in several countries where none had been recorded before.

One of the key challenges that need to be tackled is the use, stockpile and production of landmines by some armed non-State actors. In many parts of the world non-State armed groups continue to use landmines with appalling disregard for international humanitarian law and their duty not to employ methods of warfare which are of a nature to cause superfluous injury or unnecessary suffering or which are inherently indiscriminate. Commitment to stop using landmines by illegal armed groups should be one of the fundamental elements to be included in peace negotiations. Moreover, States parties should continue to make all necessary efforts to deal effectively with this problem.

Another key challenge is achieving an adequate implementation of States' obligation to clear mined areas. Mine clearing is one of the most effective means to durably remove risks for civilians and free up land for productive use. The detrimental impact of landmines on food security is well known. The use of landmines hinders or impedes access to land and

often results in entire communities becoming confined to their locations with no trade, no fishing, no hunting, and no harvesting opportunities. In this respect, humanitarian demining should be undertaken on the basis of a precautionary approach, adhering to the principles of neutrality, impartiality, humanity, and “do no harm”, as any other humanitarian effort.

I understand that the Conference has considered requests for extensions of deadlines with respect to the implementation of the mine clearance obligations. I would like to encourage all State Parties in assessing such request, to take into account the negative effects of landmines on the civilian population, including on the enjoyment of their economic, social and cultural rights.

The most important challenge, however, remains the implementation of the obligation of State Parties to provide adequate assistance to victims.

The Mine Ban Treaty inspired other normative developments related to victim assistance, such as the 2008 Convention on Cluster Munitions. It also reached a crucial agreement on the elements of victim assistance in 2005, and identified key steps for States to take with respect to the implementation of this obligation. Four years later, this review conference is a crucial opportunity to strengthen the victim assistance component in the Action Plan through the inclusion of specific, time-bound and measurable actions.

It goes without saying that victim assistance obligations must be placed in the broader context of relevant and applicable international law. In this regard, a momentous development has been the entry into force in May 2008 of the Convention on the Rights of Persons with Disabilities CRPD, which has already 74 States Parties, 56 of which are also parties to the Mine Ban treaty. I would like to take the opportunity to commend all the States here that are also parties to the CRPD, and I encourage the many others that have signed it to take the necessary steps towards its ratification. I welcome the step taken by our host, Colombia, in this direction with the adoption of the law approving the treaty last in July this year.

The convergence of these two international instruments – the Convention on the Rights of Persons with Disabilities and the Mine Ban Treaty- is clear: States have similar obligations under the two treaties, inter alia, in the context of “care and rehabilitation”, and with regards to “social and economic reintegration”. Additionally, under the CRPD, States have an obligation to adopt measures to protect and fulfill the human rights to health, to adequate standard of living and social protection, and to habilitation and rehabilitation among others. As Jodi Williams has pointed out, the needs of the survivors and victims are for a lifetime and their rights are to be protected and promoted for a lifetime as well.

Thus the Convention on the Rights of Persons with Disabilities should serve as a vital instrument for all stakeholders involved in victim assistance. Together with the United Nations Mine Action Service, UNICEF and UNHCR, the Office developed an Advocacy Toolkit aimed at disseminating information on the Convention and the Optional Protocol in order to promote greater understanding and to assist States parties in implementing their obligations.

I trust that the Convention on the Rights of Persons with Disabilities will find the consideration it deserves in the work and outcome of this Conference, and I encourage all to continue working in line with the Convention at the national level.

In closing, I would like to pay tribute to all who have worked tirelessly over the last decade to achieve the results we are here to review: States, international cooperation and assistance agents, non-governmental organizations. Tribute should also be paid to victims and survivors, and their representative organizations. They should continue to be the aim and focus of our efforts. Every day, countless victims of landmines worldwide struggle to restore their lives and dignity. Earlier this week, I visited Putumayo in the South of Colombia, where I had the opportunity to talk to survivors and realized the impact that the use of landmines has in the lives of civilians and combatants.

It is our hope that the Third Review Conference in 2014 will report the universal ratification of the Convention, the destruction of all stockpiled landmines and the clearance of all mine-affected areas. But most of all, we hope that the number of victims will drastically decrease every year, and that State parties will adopt the necessary measures to ensure that all survivors will be able to reconstruct their lives with dignity, respect and hope for the future. We at the Office of the UN High Commissioner for Human Rights will continue to work together with the members of the United Mine Action Team to assist Member States in achieving the ultimate goal of the Mine Ban Treaty: a world free of mines.

Muchas gracias.