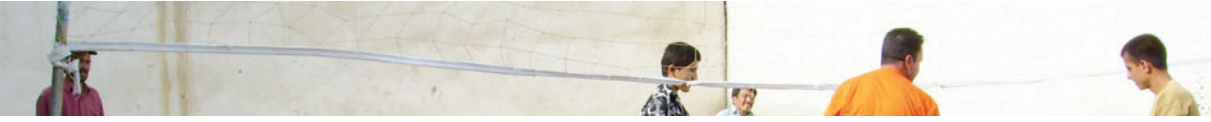


A Guide



to Mine Action



Fourth Edition



GICHD | CIDHG





The GICHD works towards a world free from landmines, cluster munitions and other explosive remnants of war. To this end, the GICHD shall, in partnership with others, strive to provide capacity development support, undertake applied research, and to develop standards, all aimed at increasing the performance and professionalism of mine action. To the same end, the GICHD shall support the implementation of relevant instruments of international law.

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A GUIDE TO MINE ACTION

JUNE 2010



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FOREWORD

Over the past 20 years, mine action has developed rapidly as a specific sector of expertise within broader relief, reconstruction and development efforts. This fourth edition of *A Guide to Mine Action* has been prepared by the Geneva International Centre for Humanitarian Demining as an overview for the practitioner, diplomat, donor, lawyer and scholar. Mine action is used in a comprehensive way, covering the whole range of hazards from mines to cluster munitions and other explosive remnants of war (ERW). The Guide takes into account key developments of the last few years, particularly the Second Review Conference of the Anti-Personnel Mine Ban Convention, the 2009 Cartagena Summit on a Mine-Free World, as well as the entry into force of the Convention on Cluster Munitions in 2010.

The Guide addresses best practice in all aspects of mine action – survey and clearance; mine/ERW risk education; victim assistance; stockpile destruction; advocacy and support for the implementation of international obligations and commitments; and the effective management and coordination of mine action programmes. To ensure that it remains a standard reference in the field of humanitarian disarmament, the Guide has been significantly expanded and updated. In particular, there are new sections on cluster munitions as well as on land release, which is becoming an increasingly important approach in demining.

A Guide to Mine Action is available for free in hard copy in Arabic, English, French, Russian, and Spanish, and these versions can also be accessed online at www.gichd.org.

Ambassador Stephan Husy
Director

Geneva International Centre for Humanitarian Demining



AN OVERVIEW OF THE GUIDE TO MINE ACTION

A Guide to Mine Action is not an operational handbook, rather it is an information resource on mine action that can assist in decision-making, programme planning and research. Each of the 15 chapters contained in the Guide has been designed to stand alone (although, inevitably, there are a number of cross-references to other chapters). In general, therefore, readers can select the topic or topics most relevant to their particular needs or interest. In addition, each chapter begins with a brief summary of the key points.

Chapter 1 provides an historical introduction to landmines, cluster munitions and explosive remnants of war and the problems they wreak on affected communities. Landmines were developed before the 20th century but became a weapon of choice for many armed forces and groups from the 1939-1945 War onwards. Widely used in international and internal armed conflicts alike, mines typically continue to be a threat to the civilian population long after hostilities have ceased. Similarly, explosive remnants of war – abandoned stockpiles of munitions and unexploded ordnance (bombs, shells, grenades and other ammunition that have been used but which have failed to detonate as designed) – plague post-conflict societies around the world, undoubtedly in even greater numbers. A particularly significant threat comes from unexploded submunitions.

Chapter 2 provides a brief history of mine action. The origin of mine action can be traced to October 1988, when, for the first time, the UN appealed for funds to carry out civilian demining activities in Afghanistan. There are now national programmes in almost 50 countries covering mine and battle area clearance; explosive ordnance disposal; survey; risk education; international and national legislation governing mines, cluster munitions and other explosive remnants of war; stockpile destruction; and victim assistance. Efforts to standardise and professionalise mine action continue – and the willingness of operators and institutions to learn from its successes and failures is one of the great strengths of the discipline.

Two instruments of international law apply specifically to landmines and **Chapter 3** reviews the historical background to their adoption. The 1997 Anti-Personnel Mine Ban Convention (APMBC) prohibits the production, stockpiling, transfer and use of all anti-personnel mines. Although it has many of the characteristics of a disarmament treaty, its purpose is humanitarian. The 1980 Convention on Certain Conventional Weapons (CCW) has two protocols regulating all landmines, booby-traps and other devices. On 28 November 2003, States Parties to the 1980 Convention adopted a new protocol to address “the serious post-conflict humanitarian problems caused by explosive remnants of war.”

Chapter 4 describes the content of the Anti-Personnel Mine Ban Convention (AP MBC), which entered into force on 1 March 1999. By early 2007, more than three-quarters of the world's States had become parties to it. The Convention aims to put an end to the suffering and casualties caused by anti-personnel mines. It does so by obliging States Parties never to use, develop, produce, stockpile or transfer anti-personnel mines, and by requiring that they destroy existing stocks of anti-personnel mines, clear mined areas and assist victims. In fulfilling their obligations, States Parties in need may request assistance and States Parties "in a position to do so" are required to provide assistance. A variety of mechanisms exist or have been established to ensure that these cooperation and assistance provisions are implemented.

States agreed on an important new instrument of international law in 2008, the Convention on Cluster Munitions. **Chapter 5** describes the content of the Convention, which represents a major step forward in international efforts to protect civilians from these weapons, as well as to address their humanitarian and development impact. Its adoption and signature in 2008 by almost 100 States is testament to the work of Norway and the many other governments that drove the Oslo Process, as well as the relentless efforts of the United Nations, the International Committee of the Red Cross and the hundreds of organisations that make up the Cluster Munitions Coalition. The Convention enters into force as binding international law on 1 August 2010.

The 1980 Convention on Certain Conventional Weapons (CCW) is an instrument of international humanitarian law that regulates the use, and in certain circumstances, the transfer, of a number of specific conventional weapons. **Chapter 6** looks at two of the Protocols attached to the CCW, which govern landmines, booby-traps and what are termed 'other devices' (directional fragmentation munitions). CCW Protocol II, adopted in 1980, reflected customary law by limiting the use of mines to military objectives. The 1996 Amended Protocol II strengthened the rules governing anti-personnel mines, in particular, although it did not include the total prohibition that a significant number of States had been seeking.

Protocol V of the CCW deals with explosive remnants of war (ERW), that is unexploded ordnance (UXO) and abandoned explosive ordnance (AXO) (other than mines, booby-traps and other devices). The Protocol, which entered into force on 12 November 2006, allocates responsibilities for the clearance, removal or destruction of explosive remnants of war, defined as "unexploded ordnance and abandoned explosive ordnance." The Protocol also calls for "all feasible precautions" to be taken to protect civilians from the risks and effects of ERW.

AN OVERVIEW OF THE GUIDE TO MINE ACTION

Chapter 7 describes the standard approaches and methodologies to release land suspected to contain mines or other munitions. These include non-technical survey and technical survey, as well as full clearance. Mine action has developed a toolkit approach to mine and other ERW clearance, using and combining, as appropriate, manual deminers, mine detection animals and mechanical demining equipment, such as vegetation cutters, tillers and flails and other appropriate assets. Explosive ordnance disposal and battle area clearance rely primarily on specialist personnel to render safe or destroy ERW. Mine action has developed a toolkit approach to mine and other ERW clearance, using and combining, as appropriate, manual deminers, mine detection animals and mechanical demining equipment, such as vegetation cutters, tillers and flails and other appropriate assets. Explosive ordnance disposal and battle area clearance rely primarily on specialist personnel to render safe or destroy ERW.

As **Chapter 8** describes, risk education aims to prevent deaths and injuries from mines, cluster munition remnants and other ERW through information and education, as well as through support to other mine action and development efforts. Three major instruments of international law lay down obligations with respect to risk education: the Anti-Personnel Mine Ban Convention, the Convention on Cluster Munitions and CCW Protocol V.

Chapter 9 provides an overview of efforts and strategies to assist the victims of landmines, cluster munition remnants and other ERW. Individual survivors – not to mention the families of those killed or injured and their communities affected by landmines and other ERW – require a range of assistance including: emergency and continuing medical care; physical rehabilitation, including prostheses and assistive devices; psychological support; social and economic empowerment; and laws and policies designed to protect their rights, eliminate discrimination and equalise opportunities. While ultimate responsibility for providing this assistance rests with their governments, the Anti-Personnel Mine Ban Convention and Protocol V of the Convention on Certain Conventional Weapons require that States Parties in a position to do so provide assistance for the care and rehabilitation, and social and economic reintegration of victims. The Convention on Cluster Munitions has far-reaching provisions on victim assistance which take into account the understandings adopted in the context of the Anti-Personnel Mine Ban Convention.

Chapter 10 describes how to store ammunition and carry out stockpile destruction safely. Stockpile destruction is the fifth and final core component of mine action. Destruction programmes may relate to any explosive ordnance contained in stockpiles, as defined in the International Mine Action Standards (IMAS). The IMAS, however, focus on the destruction of anti-personnel mine stockpiles. Each State must destroy all its stockpiled anti-personnel

mines within four years of becoming a party to the Anti-Personnel Mine Ban Convention, and those States Parties in a position to do so must assist others to fulfil this obligation. Physical destruction techniques range from the relatively simple open burning and open detonation techniques to highly sophisticated industrial processes. The Convention on Cluster Munitions requires each State to destroy all cluster munitions under its jurisdiction and control within eight years of becoming party to the Convention. For some states, the destruction of stockpiles of cluster munitions will be more complex and costly than was the case for landmines.

The management of a mine action programme and enabling national legislation are the subjects of **Chapter 11**. Ultimate responsibility for mine action remains with the government of the affected country. It is recommended that a national mine action authority, primarily an inter-ministerial body, conduct overall oversight of mine action. The day-to-day coordination of the programme is often carried out by a mine action centre. It is normally desirable that the government of a mine or ERW-affected country enact enabling legislation in support of its mine action programme. This legislation should focus, among other things, on the mandate for the managing and coordination institutions. In a small number of cases, national mine action legislation has been combined with domestic legislation to implement the provisions of the Anti-Personnel Mine Ban Convention, which includes the establishment of penal sanctions for violations of the core obligations.

Recovery from armed conflict typically goes through a series of overlapping phases, as **Chapter 12** describes. These are: immediate post-conflict stabilisation, including peacekeeping and peacebuilding; reconstruction; through to traditional development with assistance from international donors and financial institutions. This chapter outlines how mine action priorities – and the programme's allocation of resources – should also change as the emphasis shifts away from humanitarian assistance to reconstruction and development. A particular focus is given in the chapter to mine action in support of peacebuilding.

As **Chapter 13** describes, a national mine action programme should support the overall development effort of the country. Other individuals, communities, and organisations are working simultaneously to promote development, and their efforts will also be affecting the structure and strengths of the social and economic linkages over time. The ultimate impact of mine action on a nation's development depends on how well mine action links with other development projects in order to magnify the benefits brought about by mine action alone.

AN OVERVIEW OF THE GUIDE TO MINE ACTION

Accordingly, because the true measure of success of mine action is based on its contribution to development, mine action planners and managers must verify that what their projects are producing is reaching, and is useful to, intended beneficiaries. If not, they must learn what local social and economic features are preventing the mine action programme from being effective. Managers must monitor not only the immediate outputs produced by their projects (e.g. cleared land, number of MRE sessions), but also whether these lead to useful outcomes (productive use of the land, safer behaviour by civilians, and so on) and have a lasting impact on the lives of those in mine and ERW-affected communities.

Effective management of information – the subject of [Chapter 14](#) – is crucial to a successful national mine action programme. The Information Management System for Mine Action (IMSMA), developed by the Geneva International Centre for Humanitarian Demining (GICHD) is widely used as the database programme to assist in this process. The IMSMA system or other relevant database is usually managed by the national mine action centre.

Finally, [Chapter 15](#) looks at the evaluation of mine action programmes and projects. Evaluation is an important part of the project cycle. It has two main aims – to improve accountability to stakeholders in any given project and to improve future performance. Ideally, evaluation is a collaborative undertaking with participation from all stakeholders and should be an asset – not a hindrance – for those being evaluated. To be useful, it is essential that evaluations are actually used.

Following [Chapter 15](#), there is a selected bibliography and a glossary of common abbreviations and acronyms. [Appendix 1](#) contains the text of the Anti-Personnel Mine Ban Convention and [Appendix 2](#) lists the States Parties to the Convention as at 13 April 2010. [Appendix 3](#) contains the text of the 2009 Cartagena Declaration and the Cartagena Action Plan. [Appendix 4](#) contains the text of the Convention on Cluster Munitions and [Appendix 5](#) lists the States Parties to the Convention upon its entry into force on 1 August 2010. [Appendix 6](#) contains the text of the Convention on Certain Conventional Weapons (CCW), its Amended Protocol II, and Protocol V on explosive remnants of war. [Appendix 7](#) lists High Contracting Parties to the CCW, 1980 Protocol II, 1996 Amended Protocol II, and 2003 Protocol V, as at 13 April 2010. [Appendix 8](#) includes selected definitions from the IMAS Glossary. Finally, [Appendix 9](#) contains the United Nations Inter-Agency Policy.

CHAPTER 1

AN INTRODUCTION TO MINES, CLUSTER MUNITIONS, AND OTHER EXPLOSIVE REMNANTS OF WAR



AN INTRODUCTION TO MINES, CLUSTER MUNITIONS, AND OTHER EXPLOSIVE REMNANTS OF WAR

SUMMARY

Landmines were developed before the 20th century began but became a weapon of choice for many armed forces and groups from the 1939–1945 War onwards. Widely used in international and internal armed conflicts alike, especially in the 1980s and 1990s, mines typically continue to be a threat to the civilian population long after hostilities have ceased. Similarly, explosive remnants of war – abandoned stockpiles of munitions and unexploded ordnance (bombs, shells, grenades and other ammunition that have been used but which have failed to detonate as designed) – plague post-conflict societies around the world, undoubtedly in even greater numbers. A particularly significant threat comes from unexploded submunitions munitions (also called “duds” or “blinds”).

INTRODUCTION

This chapter looks at the development of landmines and their use in armed conflicts, especially in the latter half of the 20th century. It also describes briefly the impact of cluster munitions, which were first deployed during the 1939–1945 War. It considers the problems caused by the presence of uncleared landmines, submunitions and other explosive remnants of war (ERW) in communities around the world.

WHAT ARE LANDMINES?

In their simplest form, landmines (or simply ‘mines’)¹ are explosive traps that are victim-activated, whether the intended target is a person or a vehicle. A mine comprises a quantity of explosive material contained within some form of casing (typically in metal, plastic or wood), and a fuzing mechanism to detonate the explosives. Mines are generally classified into two categories: anti-tank (or anti-vehicle)² and anti-personnel. Technical experts commonly divide anti-personnel mines into four categories: blast, fragmentation, bounding, and directional fragmentation, based on their primary method of causing injury.

Both the term ‘mine’ and ‘anti-personnel mine’ are defined in international law in separate instruments – the Anti-Personnel Mine Ban Convention (AP MBC) and the Convention on Certain Conventional Weapons (CCW).³ Anti-tank or anti-vehicle mines are often referred to in international negotiations as ‘mines other than anti-personnel mines’. The two different definitions of anti-personnel mine are reviewed in Chapters 3, 4 and 6 .

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Different types of blast mines



Type 72

PFM-1

VS 50

PMD-6

BPD-SB 33

PMN

Fragmentation mines

Bounding & directional fragmentation mines



B-40

POMZ-2

OZM-72

MON 50

MON 100

Anti-tank mines



TM-57 metallic mine

TM-62 P2 plastic mine

WHAT ARE EXPLOSIVE REMNANTS OF WAR?

According to Protocol V to the Convention on Certain Conventional Weapons, adopted in November 2003, the term ‘explosive remnants of war’ (ERW) refers to unexploded ordnance and abandoned explosive ordnance. This legal definition explicitly excludes mines, booby-traps or other devices.

Unexploded ordnance or UXO refers to munitions (bombs, shells, mortars, grenades and the like) that have been used but which have failed to detonate as intended, usually on impact with the ground or other hard surface. Failure rates may be as low as 1 or 2 per cent, or as high as 30 or 40 per cent, depending on a range of factors, such as the age of the weapon, its storage conditions, the method of use and environmental conditions.

AN INTRODUCTION TO MINES, CLUSTER MUNITIONS, AND OTHER EXPLOSIVE REMNANTS OF WAR

THE DEVELOPMENT OF THE LANDMINE

The invention of the landmine

The origin of the anti-personnel mine is the subject of debate. A 1998 publication, *The History of Landmines*, argues that modern landmines “trace their lineage from non-explosive predecessors such as the spikes and stakes that were employed by ancient armies”.⁴ The word ‘mine’, however, probably dates back to the Middle Ages, where “*the so-called ‘mine’ was a common feature of medieval siege warfare... The besieger removed as much earth as he could carry away from beneath some exposed corner of the fortifications, and shored up the hole with beams. He then filled the space between the beams with straw and brushwood, and set fire to it. When the supports were consumed, the wall crumbled downwards into the hole, and a breach was produced... Over time, gunpowder and explosives took the place of fire, but the essentially medieval technique was retained, and was used as recently as the First World War.*”⁵

It is claimed that a Russian engineer designed an anti-personnel fragmentation mine in 1855.⁶ The first known explosive mine can be dated back to at least the 18th century, when a German military historian referred to the use of a ‘fladdermine’ (literally, a flying mine). In April 2001, however, archaeologists in northern China reported the discovery of more than 20 ancient ‘landmines’ dating back more than 600 years.⁷

But modern explosive landmines, or ‘torpedoes’ as they were initially termed, are more often said to be the invention of the American Civil War.⁸ In the spring of 1862, when commanding a garrison of 2,500 men at Yorktown, Gabriel Rains, a general in the Confederate army, ordered his troops to prepare artillery shells so that they could be exploded by pulling tripwires or by being stepped on. The first casualties of these early anti-personnel mines were reported on 4 May 1862; even some of the Confederate troops deemed the devices “barbaric” and Rains’ commanding officer forbade their further use, declaring them neither a “proper nor effective method of war”.⁹



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AN INTRODUCTION TO MINES, CLUSTER MUNITIONS, AND OTHER EXPLOSIVE REMNANTS OF WAR

Yet, despite concerns about the weapons on both sides of the civil war, use of the weapons continued and in 1864 at Fort McAllister, near Savannah, mines killed 12 men and wounded 80 others during the Union assault. It was following this battle that the commander of the Union Army, General William T. Sherman uttered his now famous dictum that the use of mines “was not war, but murder”.¹⁰

Landmines in the 1914–1918 and 1939–1945 Wars

Anti-tank mines were developed on the Western Front during the 1914–1918 War as a defensive countermeasure to the newly-invented tank. Anti-tank mines used in that conflict continue to be unearthed today. Anti-personnel mines, on the other hand, were not widely deployed on the battlefields during the war. Tripwire-activated mines were reportedly laced within wire entanglements early in the war but they were often as dangerous to the side that had laid them as they were to the enemy, and this use was quickly phased out.¹¹ However, anti-personnel mines and booby-traps were laid in abandoned positions in anticipation of an enemy advance. These weapons were adapted from artillery shells, with specially-designed fuzes screwed into the bottom of the shell.¹² Under Article 8 of the Armistice Agreement of 11 November 1918, Germany was required to hand over plans showing where any mines had been laid.

In contrast, in the 1939–1945 War anti-personnel and anti-tank landmines were both used on a huge scale. According to the United States (US) Defense Intelligence Agency, more than 300 million anti-tank mines were used during the war, including 220 million by the Soviet Union.¹³ By the end of the war, the Germans are said to have manufactured 16 different types of anti-tank mine, 10 different types of anti-personnel mine, and used many different types of improvised devices and captured mines. This included the development and incorporation of the anti-handling device, and the first use of an aerially-delivered scatterable anti-personnel mine. Towards the end of the war, the Germans experimented with magnetic-influence, vibration-sensitive, radio-controlled and frequency-induction fuzes.¹⁴

AN INTRODUCTION TO MINES, CLUSTER MUNITIONS, AND OTHER EXPLOSIVE REMNANTS OF WAR

Landmines were a key factor during the battles at El Alamein¹⁵ and Kursk,¹⁶ among others. In late 1943, when given the task of preparing defences against the expected Allied landings of France, Field-Marshal Rommel gave the following instructions to his chief engineer officer General Wilhelm Weise: *“Our only possible chance will be at the beaches — that’s where the enemy is always weakest. I want anti-personnel mines, anti-tank mines, anti-paratroop mines. I want mines to sink ships and mines to sink landing craft. I want some minefields designed so that our infantry can cross them, but no enemy tanks. I want mines that detonate when a wire is tripped; mines that explode when a wire is cut; mines that can be remotely controlled and mines that blow up when a beam of light is interrupted.”*¹⁷

It is claimed that one German anti-personnel mine, the Schrapnellmine 35 or S mine as it was later called, *“was probably the most feared device encountered by Allied troops in the war”*.¹⁸ Following the end of the war, demobilised soldiers introduced the term ‘minefield’ into everyday parlance, meaning a situation beset with problems.¹⁹

The post-1945 period

Since 1945, the design of mines is said to have concentrated on five criteria: effectiveness, size, detectability, logistic effort and speed of laying. But rapid technological advance has also resulted in rapid obsolescence and by the 1990s more than 600 types of landmine had been produced.²⁰

Anti-personnel mines were used widely in the wars in Korea and Vietnam, with landmines accounting for almost 5 per cent of US troop casualties in Korea.²¹ As a result of experiences during the Korean War, in particular following human-wave attacks against United Nations (UN) positions, the US developed the M18 Claymore directional fragmentation mine. When detonated, either by tripwire or by electric command wire, hundreds of steel ball bearings are expelled in a 60-degree arc; the lethal radius is around 50 metres.

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The Vietnam War saw the first widespread use of remotely-delivered or 'scatterable' mines by US forces seeking to stop the flow of men and material from North to South Vietnam through Cambodia and Laos. Aerially delivered anti-personnel mines had a number of obvious advantages over their manually emplaced counterparts: they could be deployed rapidly, required little logistic support, and could be laid deep within enemy-held territory, causing disruption in troop movements and supply lines, all with minimal risk to the air-crews. At the same time, they represented a substantial danger to advances by friendly forces unless equipped with an effective self-destructing or self-neutralising mechanism. It is reported that between 1966 and 1968, the US Department of Defense (DoD) procured more than 114 million anti-personnel mines for use in the Vietnam War.²²

Based on its experiences in Vietnam, the US committed considerable resources to the development of anti-personnel mines that would self-destruct within a pre-set time (usually four to 48 hours). The idea had already been around for some time. Following the difficulties encountered in clearing mines left over from the battles in North Africa in the 1939–1945 War, a British report entitled *Engineer Lessons from the North African Campaign* is said to have recommended the design of a new form of mine capable of “*self-destructing after a certain period to avoid the need for lifting*”.²³



The US also developed landmines that could serve as chemical weapons, each mine containing a quantity of VX nerve gas. Thus, on 30 November 2000, in accordance with the requirements of the 1993 Chemical Weapons Convention, the US DoD reported the successful destruction on Johnston Atoll in the Pacific of more than 13,000 landmines filled with VX gas.²⁴ The US has continued to commit resources to the research and development of new landmines. Indeed, the DoD requested more than US\$1 billion over five years for the production of “alternatives to anti-personnel mines,” including mines based on so-called “man-in-the-loop” technology. This technology places mine detonation in the hands of a soldier via remote control. But, crucially, the new weapons also feature an optional automatic setting – or “battle override” – that allows them to operate just like conventional landmines. So far, the Pentagon has funded the development of two such systems: the Matrix (which is a remote control system for use with a conventional mine), and the Spider XM-7 Landmine System.²⁵

**AN INTRODUCTION TO MINES, CLUSTER MUNITIONS,
AND OTHER EXPLOSIVE REMNANTS OF WAR**

Yet, while mine technology has advanced rapidly over the past few decades, the most prevalent and typical use of landmines involved the manual emplacement of low-tech anti-personnel and anti-tank mines in internal armed conflicts by both government armed forces and armed opposition groups. In Afghanistan, Angola, Bosnia-Herzegovina, Cambodia, Ethiopia, Iraq, Mozambique, Nicaragua, Somalia, Sudan and many other war-torn nations, anti-personnel mines were widely used as part of a deliberate military strategy or simply to terrorise civilians or control their movements. Proliferation was fuelled by low cost and ready availability, with average prices ranging from US\$3–15 per mine.²⁶ As the Soviet Union collapsed, bitter conflicts in the Caucasus and the former Yugoslavia, which included some of the world’s leading landmine producers, saw widespread and often indiscriminate use of anti-personnel mines. Moreover, the increasing use of the weapon was not limited to armed forces and groups for, by the 1990s, civilians in many countries were laying mines for their own purposes. These included protection of property, fishing and hunting.



Warnings about the dangers of unexploded ordnance (UXO) | Afghanistan

AN INTRODUCTION TO MINES, CLUSTER MUNITIONS, AND OTHER EXPLOSIVE REMNANTS OF WAR

The landmine threat

No one knows how many landmines remain uncleared from conflicts old and new. Previous estimates of up to 100 million or more landmines have been widely challenged and any estimates can be little more than speculation. Similarly, the total number of victims is difficult to assess with any degree of certainty. What is certain is that landmines continue to claim human victims, both during and after conflict, many of them civilians. The Landmine Monitor, the monitoring arm of the International Campaign to Ban Landmines (ICBL), a worldwide network of more than 1,400 NGOs, reported deaths and injuries from landmines and ERW in 75 countries and other areas in 2008: *“In 2008, Landmine Monitor identified 5,197 recorded casualties caused by mines, ERW and victim-activated IEDs (improvised explosive devices)... Some 1,266 people were killed, 5,891 injured, and the status of 40 people was unknown. Casualties in 2008 were recorded in fewer countries and areas than in 2007: 75 compared to 78. Ten countries with recorded casualties in 2007 did not record any casualties in 2008, most notably Mauritania, which had recorded casualties every year since 2000... Seven countries that did not record casualties in 2007 suffered casualties in 2008, ... including Libya, where Landmine Monitor identified casualties for the first time since 1999 (despite regular but unconfirmed reports of high casualty rates). Casualties again occurred in Mali, which recorded its first-ever casualties in 2007, and in Niger, which had not recorded casualties for several years before 2007... In 2008, some 61% of casualties (where civilian/military status was known) were civilians (2,821 of 4,611). ... The vast majority of casualties where the gender was known were male (3,754, or 91% of 4,115), 561 were female (9%). ... Children accounted for 28% of casualties where the age was known (1,184 of 4,214).”*²⁷

But the landmine threat goes far beyond the killing, maiming and injury of thousands of individuals each year. The social, economic and environmental impact of these weapons is prolonged and often severe. Thus, the loss of fertile agricultural land and access to water points are among the most serious effects for rural developing communities. It has also been found that: *“Countries with a minimal infrastructure ... are particularly vulnerable to landmine use. Dams and electrical installations have been mined, which can seriously reduce the ability of a nation to produce the power necessary for reconstruction. Transportation systems have been mined, interrupting the movement of people and the flow of goods and services. Market systems have been seriously disrupted or abandoned because farmers and herders have been unable to move over mined roads and footpaths to bring their produce to market.”*²⁸

AN INTRODUCTION TO MINES, CLUSTER MUNITIONS, AND OTHER EXPLOSIVE REMNANTS OF WAR

In 1995, the UN,²⁹ declared that mines were “*one of the most widespread, lethal and long-lasting forms of pollution*” the world has ever known.³⁰ The environmental impact of landmines had already been recognised at the end of the 1970s. On 5 December 1980, the UN General Assembly adopted Resolution 35/71 entitled Problem of Remnants of War in which it acknowledged that “*the presence of material remnants of war, particularly mines, on the territories of certain developing countries seriously impedes their development efforts and entails loss of life and property*”. Large-scale use of anti-personnel mines drives rural populations onto increasingly fragile, marginal lands, furthering the land’s rapid degradation, or into the cities thereby contributing to overcrowding, unemployment and other urban problems.³¹

The cluster munitions threat

Cluster munitions are conventional munitions each of which is designed to disperse or release multiple submunitions (in some cases called ‘bomblets’) over an area that may extend to several hundred square metres.³² The general definition of this weapon describes both the container (also called a dispenser or ‘parent munition’) and the submunitions it holds. The cluster munitions covered in this publication are ones that dispense ‘explosive submunitions’ – not those which produce smoke, chaff, flares or pyrotechnics.

The design of cluster munitions means that they are a particular threat to the civilian population during and after use. First, their wide-area effect means an increased likelihood of civilian victims or collateral damage to civilian objects from the explosion of the submunitions dispersed by each cluster munition during an attack. This problem is worsened by the typically high number of submunitions that are delivered in a single attack. Second, the failure rate of many submunitions means that a single attack may also leave hundreds or thousands of small unexploded, but lethal devices. Third, the sensitive fuzing system of many submunitions means that even minimal disturbance may be enough to cause them to explode. As a result of these factors, submunitions have killed and injured significant numbers of civilians, particularly children, in countries such as Afghanistan, Iraq, Lebanon, the Russian Federation (Chechnya) and Serbia. In addition to causing death and injury, the presence of unexploded submunitions endangers the safe return of the displaced and impedes livelihood activities, such as agriculture or grazing.

CHAPTER 1

AN INTRODUCTION TO MINES, CLUSTER MUNITIONS, AND OTHER EXPLOSIVE REMNANTS OF WAR

The ERW threat

As it is impossible to give an accurate estimate of the number of uncleared landmines, so it is the case with explosive remnants of war, that is, munitions that have been abandoned or that have been used but which have not exploded as intended. What can be said with some confidence is that the total number of ERW around the world, whatever that may be, far exceeds the total number of landmines. ERW continue to be uncovered in significant quantities from the battlefields of Europe more than 50 years, and in some cases more than 80 years, after the munitions were originally fired. Munitions from the 1914–1918 War sometimes include mustard gas or other chemical agents, resulting in an additional hazard for explosive ordnance disposal teams. In Belarus, disposal teams are sometimes encountering munitions left over from Napoleonic Wars.³³

The threat posed by ERW, which in some ways has been subordinated to international concern about the humanitarian impact of landmines, especially anti-personnel mines, is now beginning to receive the attention it deserves. In some subsistence economies, civilians collect items of ordnance for their value as scrap metal or the explosives they contain, and children may be killed or injured while playing with ERW they encounter in their daily lives. The consequences of not disposing safely of ERW have all too often been fatal.

ENDNOTES

- ¹ The term landmine is used to distinguish the weapon from sea mines, which are not considered in this work.
- ² The term 'anti-vehicle mine' is relatively recent; previously, the term used was 'anti-tank mine'.
- ³ See [Chapter 4](#) for a discussion of the Anti-Personnel Mine Ban Convention.
- ⁴ M. Croll, [The History of Landmines](#), Leo Cooper, UK, p. ix; see also pp. 1-8.
- ⁵ P. Cornish, [Anti-Personnel Mines, Controlling the Plague of 'Butterflies'](#), Royal Institute for International Affairs, London, 1994, p. 18, citing C. Oman, [The Art of War in the Middle Ages](#), Volume One: 378-1278AD, Greenhill, London, 1991, p. 133.
- ⁶ Association of Military-Political and Military-Historic Research, 'The Position of Russia As Regards the Problem of Use of Anti-Personnel Mines Considering the Conferences in Brussels and Oslo', Moscow, 1997, p. 5.
- ⁷ '600-Year-Old Mines Unearthed in Inner Mongolia', [Xinhua Press Agency](#), Hohhot, Mongolia, 11 April 2001.
- ⁸ See generally M. F. Perry, [Infernal Machines, The Story of Confederate Submarine and Mine Warfare](#), Louisiana State University Press, Baton Rouge, US, 1985.
- ⁹ M. Croll, [The History of Landmines](#), op. cit., p. 16.
- ¹⁰ [ibid.](#), p. 18.
- ¹¹ School of Military Engineering, [The Work of the Royal Engineers in the European War 1914–19](#), SME, Chatham, UK, 1924, p. 257.
- ¹² M. Croll, [The History of Landmines](#), op. cit., p. 26; see also pp. 27-28.
- ¹³ US Defense Intelligence Agency and U.S. Army Foreign Science and Technology Center, [Landmine Warfare – Trends and Projections \(U\)](#), DST-1160S-019-92, Washington DC, December 1992, section 2-1.
- ¹⁴ M. Croll, [The History of Landmines](#), op. cit., p. 48.
- ¹⁵ For details of the use of mines in North Africa see for instance L. Ceva, 'The Influence of Mines and Minefields in the North African Campaign of 1940–1943', Paper presented to the Symposium on Material Remnants of the Second World War on Libyan Soil, Geneva, 28 April to 1 May 1981; A. Vines, 'The Crisis of Anti-Personnel Mines', in M. A. Cameron et al. (eds.), [To Walk Without Fear, The Global Movement to Ban Landmines](#), Oxford University Press, Toronto, 1998, p. 119.

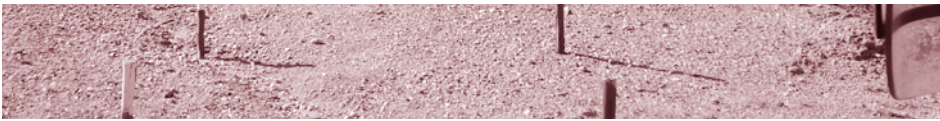
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- ¹⁶ See generally M. Healy, *Kursk 1943, The Tide Turns in the East*, Osprey Military, UK.
- ¹⁷ See S. E. Ambrose, *D-Day June 6, 1944: The Climactic Battle of World War II*, Simon & Schuster, New York, 1994, p. 588, cited in M. Croll, *The History of Landmines*, op. cit., p. 74.
- ¹⁸ Lieutenant-Colonel C. E. E. Sloan, *Mine Warfare on Land*, Brassey's, London, 1986, p. 36.
- ¹⁹ M. Croll, *The History of Landmines*, op. cit., p. 53.
- ²⁰ *ibid.*, p. 96.
- ²¹ *ibid.*, p. 97.
- ²² P. Cornish, *Anti-Personnel Mines, Controlling the Plague of 'Butterflies'*, op. cit., p. 7.
- ²³ M. Croll, *The History of Landmines*, op. cit., p. 65.
- ²⁴ 'Chemical Weapons Destruction Complete on Johnston Atoll', Press Release No. 715-00, Office of the Assistant Secretary of Defense (Public Affairs), Washington DC, 30 November 2000.
- ²⁵ C. Moraff, "Along Came a Spider", *American Prospect*, online edition, accessed at www.prospect.org/web/page.wv?section=root&name=ViewWeb&articleId=12075 on 21 January 2007.
- ²⁶ See for example UN Department for Humanitarian Affairs Fact Sheet on Manufacturing and Trade, New York, 1996.
- ²⁷ ICBL, *Landmine Monitor Report 2009*, Mines Action Canada, 2009, pp. 47-48, 49.
- ²⁸ S. Roberts, and J. Williams, *After the Guns Fall Silent, The Enduring Legacy of Landmines*, Vietnam Veterans of America Foundation, Washington DC, 1995, p. 6.
- ²⁹ See US Department of State, *Hidden Killers: The Global Problem with Uncleared Landmines*, Washington DC, 1993.
- ³⁰ *Assistance in Mine Clearance*, Report of the Secretary-General, UN Doc. A/49/357, 6 September 1995, p. 7.
- ³¹ S. Roberts, and J. Williams, *After the Guns Fall Silent*, op. cit., p. 11.
- ³² In the case of mines, the submunitions are called 'minelets'. Anti-personnel mines are prohibited under the Anti-Personnel Mine Ban Convention and anti-vehicle mines are covered by Amended Protocol II to the Convention on Certain Conventional Weapons (see Chapters 3 and 4). They are excluded from the definition of a cluster munition by the Convention on Cluster Munitions (see Chapter 5).
- ³³ ICBL, *Landmine Monitor Report 2006, Toward a Mine-Free World*, Mines Action Canada, July 2006, p. 193; see also *Landmine Action, Global Survey 2003–2004: Explosive remnants of war and mines other than anti-personnel mines*, London, March 2005.

CHAPTER 2

A HISTORY OF MINE ACTION



A HISTORY OF MINE ACTION

SUMMARY

The origin of mine action can be traced to October 1988, when, for the first time, the UN appealed for funds to carry out civilian demining activities in Afghanistan. There are now national programmes in over 40 countries covering mine and battle area clearance, explosive ordnance disposal, survey, mine mine and other explosive remnants of war risk education, international and national legislation governing mines and explosive remnants of war, stockpile destruction and victim assistance. Efforts to standardise and professionalise mine action continue – and the willingness of operators and institutions to learn from its successes and failures – is one of the great strengths of the discipline.

INTRODUCTION

This chapter looks at the development of mine action from the end of the 1980s. It begins with a review of the definition of mine action. It then breaks the history of mine action into three phases: the first phase (1988–1994) reviews the genesis and initial development of mine action; the second phase (1995–1998) looks at the move towards the standardisation of mine action; and the third and current phase (1999 to date) focuses on the ongoing efforts to professionalise mine action.

THE DEFINITION OF MINE ACTION

As will be seen below, the definition of mine action has evolved over time in tandem with the discipline itself. The use of the term ‘mine action’ to describe the discipline was formally endorsed by the UN in its policy document issued in 1998,¹ although it was used in the groundbreaking studies of indigenous mine action capacities published the previous year.² The term originated in Cambodia where, in the early 1990s, Canadian Army engineers suggested that the body set up to administer and coordinate mine-related activities in the country be named the Cambodian Mine Action Centre, with a view to stressing the dynamic nature of the enterprise. It is now in general use, although a number of countries, for example the US, still prefer to use the term ‘humanitarian demining’.³

According to the current UN definition, as contained in the International Mine Action Standards (IMAS), mine action refers to “activities which aim to reduce the social, economic and environmental impact of mines and UXO”. The relevant standard provides that mine action “*is not just about demining; it is also about people and societies, and how they are affected by landmine contamination. The objective of mine action is to reduce the risk from landmines to a level where people can live safely; in which economic, social and health development can occur free from the constraints imposed by landmine contamination, and in which the victims’ needs can be addressed*”.⁴

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According to the definition, mine action comprises five complementary groups of activities:

- > mine/ERW risk education
- > demining, ie mine/ERW survey, mapping, marking and clearance
- > victim assistance, including rehabilitation and reintegration
- > stockpile destruction, and
- > advocacy against the use of anti-personnel mines and cluster munitions.

The definition further notes that a number of other enabling activities are required to support these five components of mine action, including: assessment and planning, the mobilisation and prioritisation of resources, information management, human skills development and management training, quality management and the application of effective, appropriate and safe equipment.⁵

PHASE 1 (1988–1994) THE GENESIS OF MINE ACTION

Afghanistan

The origin of mine action (the discipline rather than the name) can be traced back to October 1988, when for the first time the UN appealed for funds for a humanitarian response to the problems caused by landmines on behalf of Afghanistan. Prior to this period, activities intended to reduce the impact of mines, especially mine clearance, were largely the domain of national militaries. Afghanistan was a different case, though, as there was no functioning Afghan army, and the Soviet troops were not willing or able to clear mines before their departure from the country.



A mine risk education billboard developed by an Afghan NGO

The UN appeal was for funds for ‘humanitarian demining’, a new term which was understood to mean not only the removal of emplaced mines, but also information and education activities to prevent injuries. The term ‘demining’ was used to denote mine clearance for humanitarian purposes and to distinguish it clearly from the military activity of ‘breaching’, which cleared paths through minefields to attain military mission objectives during combat operations.

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After a period in which the UN, assisted by military contingents from donor countries, provided two weeks basic mine clearance training to more than 10,000 Afghan refugees, the UN decided to support the creation of a number of Afghan NGOs to survey, map, mark and clear landmines and UXO, and to conduct mine awareness for the civilian population. More than a decade later, these NGOs are still going strong, and a number of them have conducted operations abroad. For example, the Afghan NGO, Mine Clearance and Planning Agency (MCPA), was the implementing partner for the Landmine Impact Survey in Yemen.

Within this UN-supported humanitarian response to landmines, victim assistance was largely confined to casualty evacuation for deminers. The International Committee of the Red Cross (ICRC), however, had set up a number of prosthetic clinics to fit artificial limbs to amputees caused by the war. ICRC hospitals in Peshawar and Quetta treated wounded coming into neighbouring Pakistan from inside Afghanistan and the organisation had an independent hospital in Kabul from 1988 to 1992.⁶ In Peshawar and Quetta, 44 per cent (1,530) of the total wounded admitted were landmine victims. Here was the first evidence of a humanitarian problem growing rapidly in severity.



A woman deminer working for MAG excavating an anti-personnel mine in Battambang province | Cambodia

The birth of international mine action NGOs

The year 1988 also saw the birth of the world's first international humanitarian mine clearance NGO – the Hazardous Area Life-Support Organisation (HALO Trust). The founder of HALO Trust, Colin Mitchell, was a decorated former British officer. Another former British soldier, Rae McGrath, set up the Mines Advisory Group (MAG) the following year. In 1989, MAG conducted the first survey of the impact of landmines in Afghanistan.⁷

In 1992, Handicap International,⁸ which had already been operating for 10 years as a humanitarian NGO implementing projects in favour of the disabled, including mine amputees and other victims, made an alliance with MAG to set up its first two demining programmes in Cambodia and northern Iraq, and took part in the creation of the International Campaign to Ban Landmines (ICBL).⁹ Norwegian People's Aid (NPA) has also been involved in mine action since 1992. It first became involved in mine action in Cambodia and has since been operational in more than a dozen countries on three continents.¹⁰

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The birth of commercial demining companies

Following the 1991 Gulf war, Kuwait was cleared of mines and UXO by a number of commercial demining companies. The 1991–1993 clearance programmes saw a significant use of mechanical equipment, and stimulated its development. Subsequently, a number of commercial companies, such as ArmorGroup (now called G4S Risk Management), BACTEC, Mechem, and Mine-Tech have played a significant role in demining.

Cambodia and Mozambique

Following Afghanistan and Kuwait, the next major landmine challenge for the international community was in Cambodia. In January 1992, the UN Security Council expanded the mandate of the UN Advance Mission in Cambodia (UNAMIC) to include mine clearance and training¹¹ and in March the Office of the United Nations High Commissioner for Refugees (UNHCR) began the repatriation of some 360,000 refugees and displaced persons from Thailand. In June 1992, the Cambodian Mine Action Centre (CMAC) was set up and the national programme it led would become one of the largest in the world.

Planning for mine action in Mozambique began in 1992, just after the UN had appointed an expert to the Department for Peacekeeping Operations (DPKO) in New York to focus on landmines and to set up the UN Demining Office. The experiences in Mozambique represented a watershed for UN-supported mine-related activities as criticisms mounted about the slow pace of action and the direction the UN chose to take. A subsequent study of the programme suggested that an indigenous capability should not be merely seen as a mine clearance capability: *“empowering national authorities to regulate, coordinate and sustain all mine action objectives should be a key objective.”*¹²

Significant problems were also encountered in Angola, where planning for mine action began in March 1993, although a Central Mine Action Office was not set up until August 1994.¹³ The UN Department of Humanitarian Affairs (DHA) report on the programme in 1997 noted that as the youngest of the four programmes studied, it was, in theory, in a good position to benefit from the experiences of other programmes. In reality, it proved the most problematic as a promising beginning “soon gave way to interminable bureaucratic in-fighting on overall programme objectives and approach and to disputes over assigned division of labour and responsibilities”.¹⁴ A number of hard lessons needed to be learned.

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PHASE 2 (1995–1998)

TOWARDS THE STANDARDISATION OF MINE ACTION

The second phase of mine action evolution is marked by a drive to understand the reasons for past successes and failures and to develop common ground that could underpin any new mine action programmes. With a plethora of actors now involved in mine action activities in one way or another, and multiple experiences on which to draw, it was both natural and desirable that the international community should move towards the standardisation of mine action.

On 5 - 7 July 1995, the UN organised an International Meeting on Mine Clearance in Geneva. A total of 97 States, 11 international organisations, 16 UN bodies and 30 NGOs participated in the meeting, which included both a high-level political debate and a technical workshop. The objective of the meeting was to promote greater funding and assistance for mine clearance activities. As a result, US\$85 million in funds for mine action were pledged at the meeting, with some US\$20 million being directly earmarked to the newly-established UN Voluntary Trust Fund for Mine Clearance.

In July 1996, international standards for humanitarian mine clearance programmes were proposed by working groups at an international conference in Denmark. Criteria were prescribed for all aspects of mine clearance, standards were recommended and a new universal definition of 'clearance' was agreed. In late 1996, the principles proposed in Denmark were developed by an UN-led working group into International Standards for Humanitarian Mine Clearance Operations. A first edition of these standards was issued by the UN Mine Action Service (UNMAS) in March 1997.

In tandem with this process, UNICEF began to elaborate international guidelines for mine and unexploded ordnance awareness education.¹⁵ These were adopted in English by the UN system in April 1999 and were subsequently translated into many other languages.

While these processes were ongoing, efforts were being made to rationalise the UN approach to mine action. According to one donor review of its support to mine action, as the sector emerged mine action appeared to have no obvious 'home' in the UN system.¹⁶ Thus, it felt that in the first half of the 1990s, the UN failed to provide appropriate leadership and support to mine action. Most mine action activities became the concern of DHA (now OCHA – the Office for the Coordination of Humanitarian Affairs). However, DHA had insufficient staff, little expertise, low financial backing and difficulty attaining respect in the field.¹⁷ Nonetheless, the UN was playing a crucial role in the mine action effort in Afghanistan which to this day is regarded as an exemplary operation. Operations in Cambodia were also considered relatively successful.

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In 1997, DHA published its report detailing the early successes and failures of the UN in mine action in four key mine-affected countries.¹⁸ A serious lack of organisation, commitment and vision and many missed opportunities were documented. At about the same time, the UN launched its reform process which resulted in the creation of the Mine Action Service – UNMAS – within DPKO as the focal point for all mine-related activities in the UN. Since then, considerable progress has been made and almost all of the many recommendations listed in the ‘lessons learnt’ report have been, or are currently being, addressed by the UN.

As part of its reform process, the UN defined its roles and responsibilities related to mine action in *Mine Action and Effective Coordination: The UN Policy* (1998).¹⁹ A revised and updated policy was adopted in 2005: *Mine Action and Effective Coordination: The United Nations Inter-Agency Policy*. The new policy, which was endorsed by the Inter-Agency Coordination Group on Mine Action on 6 June 2005, places responsibility for allocating roles to the various concerned UN agencies and bodies to the UN Country Team in each case.²⁰ The revised policy states that the UN “*will bring its experience in the areas of coordination, resource mobilisation, local capacity development and institutional support, information management, training of personnel, and quality management to bear in all five pillars of mine action.*”²¹

In all early UN demining plans, mine action was designed to become increasingly national and to pass to the United Nations Development Programme (UNDP) as soon as possible for later transition to full national control. UNDP therefore has an important role as an adviser to governments on the management of mine action programmes in such a context.

In addition, national programmes were increasing in size and scope and new programmes were being set up at a fast rate. Thus, programmes were initiated in Albania, Bosnia and Herzegovina, Croatia, Kosovo, the Former Yugoslav Republic of Macedonia and northern Iraq to deal with the resultant mine and ERW contamination.

In March 1998, the UN Office for Project Services (UNOPS) formally established a dedicated Mine Action Unit (MAU). The MAU included expertise in project management, mine action technical issues, legal and contractual matters as well as in the recruitment of technical experts and consultants and the procurement of specialised goods and services. One of the reasons for establishing the MAU was to have a dedicated implementation capacity within the UN for mine action programmes that could work with various funding sources, and provide a bridge from emergency to development programmes without hampering operations on the ground.

A HISTORY OF MINE ACTION

One of the findings of the DHA study in 1997 was that the transition from peacekeeping-supported mine action activities to capacity-building development activities was very disruptive to the overall programme and had a negative effect on staff morale. In addition to providing continuity in mine action programmes, the MAU developed new tendering and contracting tools for mine action and established long-term agreements for the procurement of specialised demining equipment, enabling it to implement mine action programmes in an efficient and cost-effective manner.

PHASE 3 (1999 to date)

THE PROFESSIONALISATION OF MINE ACTION

The third phase of mine action, which is ongoing, is characterised by the professionalisation of mine action. In addition to regular review of international standards, the twin issues of capacity development for programme management (see [Chapter 11](#)) and socio-economics (see [Chapter 13](#)) have been steadily growing in importance. Sustainability in mine action means strengthening the inter-relationship between mine action and other relief and development activities, and developing and exploiting indigenous capacities.

The mine action programme was initiated in Kosovo under UN auspices in 1999, and although funding was initially slow to arrive, some US \$70 million were subsequently devoted to mine action in the province, mostly through bilateral programmes. According to an external evaluation commissioned by the UN, the mine action programme in Kosovo “*was a resounding success. Nearly 45,000 lethal devices were destroyed, and over 50 million square meters of land were painstakingly restored to their pre-war pristine state*”.²² Coordination proved to be effective, despite a plethora of mine action actors. Clearance operations in Kuwait following the 1990 Gulf War had already demonstrated that, given adequate resources, it was possible to rapidly minimise the mine and ERW threat to the civilian population.

The development of the IMAS

The experiences in Kosovo and northern Iraq were fed into the first edition of the fully-fledged International Mine Action Standards (IMAS), together with the lessons of more mature programmes, such as in Afghanistan, Cambodia and Mozambique. The IMAS reflected changes to operational procedures, practices and norms which had occurred since the publication of the International Standards for Humanitarian Mine Clearance Operations in 1997. The scope of the standards had been expanded to include the other components of mine action, in particular those of mine risk education and victim assistance.

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The UN has a general responsibility for enabling and encouraging the effective management of mine action programmes, including the development and maintenance of standards. UNMAS is the office within the UN Secretariat responsible for the development and maintenance of the IMAS, most of which are drafted by the Geneva International Centre for Humanitarian Demining on its behalf. The work of preparing, reviewing and revising the standards is conducted by technical committees, with the support of international and governmental organisations and NGOs. The latest version of each standard, together with information on the work of the technical committees, can be found at www.mineactionstandards.org.

The IMAS are to be reviewed at least every three years to reflect developing mine action norms and practices, and to incorporate changes to international regulations and requirements. Thus, on 1 January 2003, a revised set of the IMAS (Edition 2) was issued. They were followed by the drafting and adoption of a number of other standards, including international standards for mine risk education.²⁵

Mine action and development

Within the UN system, UNDP took responsibility for socio-economic issues and capacity building in mine action under the 1998 UN policy document.²⁴ A study by the Vietnam Veterans of America Foundation had taken a good first look at the socio-economic impact of landmines,²⁵ but there was a need to go further and look at the impact of mine action. UNDP therefore decided to commission a study into the socio-economics of mine action, which it entrusted to the GICHD. The study, which they published jointly in 2001,²⁶ looked at priority setting in mine action and produced groundbreaking cost-benefit analyses of UXO clearance in Laos and mine clearance in Mozambique. To the surprise of many, it found that with continued control of costs, further UXO clearance in Laos could be justified on economic grounds alone.

Donors have stressed for several years the importance of linking mine action into broader development activities, and this remains a major challenge for the discipline. Focusing mine action priorities on supporting a national development strategy and plan, and working closely with other development actors are both integral to this process. Similarly, strengthening the development of indigenous capacity to manage mine action remains central to the sustainability of mine action.

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Capacity development

In 1999, in response to the observation that many national managers of mine action programmes had no formal management qualifications, UNDP commissioned a study to assess the management training needs of national mine action personnel. The study resulted initially in management courses for senior staff from a number of mine-affected countries being developed and held at Cranfield University in the UK. Further courses have since been developed and training for mid-level and senior local staff have been conducted in many countries.

The GICHD itself offers modular training courses in a variety of areas of mine action, based on outreach from some of its studies. These include mine risk education, socio-economic approaches to mine action, international and national law, and a general introductory course to mine action.

CONCLUDING REMARKS

Mine action has now operated as a humanitarian discipline over a period spanning three decades. Hard lessons have been learned, and many mistakes made, but the willingness of mine action professionals and institutions to learn from its successes and failures is one of the great strengths of mine action and bodes well for the future evolution of the discipline.

ENDNOTES

- ¹ Mine action and effective coordination: the United Nations policy, UN Doc. A/53/496, UNMAS, New York, 1998, available at www.mineaction.org.
- ² R. Eaton et al., *The Development of Indigenous Mine Action Capacities, Study Report*, DHA, United Nations, New York, 1997.
- ³ See Chapter 7 for a brief review of the UN definition of the term 'humanitarian demining'.
- ⁴ IMAS 04.10, Second Edition, 1 January 2003, Incorporating amendment number(s) 1 & 2, Definition 3.147.
- ⁵ *ibid.*
- ⁶ L. Maresca and S. Maslen (eds.), *The Banning of Anti-Personnel Landmines, The Work of the International Committee of the Red Cross 1955–1999*, Cambridge University Press, Cambridge, 2000, p. 147.
- ⁷ See www.mag.org.uk and www.halotrust.org.
- ⁸ See www.handicap-international.org.

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- ⁹ See Chapter 3 for a description of the ICBL.
- ¹⁰ See www.npaid.org.
- ¹¹ UN Security Council Resolution 728.
- ¹² See generally R. Eaton, *The Development of Indigenous Mine Action Capacities, Cambodia*, DHA, UN, New York, 1997, p. 40.
- ¹³ R. Eaton et al., *The Development of Indigenous Mine Action Capacities, Angola*, DHA, UN, New York, 1997, p. 9.
- ¹⁴ *ibid.*, p. 37.
- ¹⁵ Although since superseded by the IMAS on mine risk education, a copy of the guidelines is available at the Electronic Mine Information Network (www.mineaction.org).
- ¹⁶ Danish Ministry of Foreign Affairs, *Evaluation of Danish Support to Mine Action*, draft report, Copenhagen, November 2002, p. 7.
- ¹⁷ *ibid.*
- ¹⁸ R. Eaton et al., *The Development of Indigenous Mine Action Capacities, Study Report*, op. cit., 1997.
- ¹⁹ Danish Ministry of Foreign Affairs, *Evaluation of Danish Support to Mine Action*, op. cit., p. 7.
- ²⁰ UN, *Mine Action and Effective Coordination: The United Nations Inter-Agency Policy*, UN, New York, paragraph 52. The policy can be accessed online at www.mineaction.org.
- ²¹ *ibid.*, p. 4.
- ²² The Praxis Group, 'Willing To Listen: An Evaluation of the United Nations Mine Action Programme in Kosovo 1999–2001', Geneva, 2001, p. 7.
- ²³ See www.mineactionstandards.org for a diagram of the current and planned IMAS and access to all the adopted standards. The GICHD published the 2010 edition of a straight forward Guide to the IMAS, which can be ordered in hard copy or accessed online at www.gichd.org.
- ²⁴ The UN's policy for mine action was revised in 2005. See UN, 'Mine Action and Effective Coordination: The United Nations Inter-Agency Policy,' New York, 2005, available at www.mineaction.org.
- ²⁵ S. Roberts and J. Williams, *After the Guns Fall Silent, The Enduring Legacy of Landmines*, Vietnam Veterans of America Foundation, Washington DC, 1995.
- ²⁶ The study and an accompanying operational handbook are available on the GICHD website at www.gichd.org.

CHAPTER 3

INTERNATIONAL LAW



INTERNATIONAL LAW

SUMMARY

Two instruments of international law apply specifically to landmines. The 1997 Anti-Personnel Mine Ban Convention (AP MBC) prohibits the production, stockpiling, transfer and use of all anti-personnel mines. Although it has many of the characteristics of a disarmament treaty, its purpose is humanitarian. The 1980 Convention on Certain Conventional Weapons (CCW) has two protocols regulating all landmines, booby-traps and other devices. A new protocol, adopted in November 2003, seeks to address the serious post-conflict humanitarian impact caused by explosive remnants of war. The Protocol entered into force on 12 November 2006.

INTRODUCTION

Two distinct but interrelated branches of modern international law apply to 'means of warfare', that is to say, weapons. The first, **international humanitarian law**, also called the law of war, aims to minimise suffering in an armed conflict by restricting the unlawful conduct of hostilities. In particular, international humanitarian law seeks to protect civilians, prisoners of war and injured combatants. Although certain provisions of the law apply in peacetime (for example, training of soldiers in the rules they must respect), most are applicable only in situations of international or internal armed conflict. Traditionally, international humanitarian law has focused on restricting or prohibiting the use of weapons.

The origins of the law can be dated back hundreds, if not thousands, of years. Indeed, customary rules of warfare are said to be part of the very first rules of international law.¹ In India, in the 4th century BC, for example, literature and laws contained provisions prohibiting the use of certain weapons, such as poisoned or burning arrows. In a similar vein, the Greeks and Romans customarily observed a prohibition against the use of poison or poisoned weapons.² In 1139 AD, the Lateran Council declared that the crossbow and arbalest were "unchristian" weapons, though this does not seem to have prevented their continued use in combat.

The second branch of international law specifically governing weapons, **disarmament law**, seeks to achieve or maintain military stability by limiting or eliminating the numbers or types of weapons that may lawfully be produced, stockpiled or transferred. Thus, for example, the **1972 Biological Weapons Convention** prohibits the development, production and stockpiling of bacteriological (biological) weapons. The **1968 Nuclear Non-Proliferation Treaty** seeks to limit the number of States that may lawfully possess nuclear weapons and requires those States already possessing nuclear weapons to work towards their elimination. In 1993, States adopted the Chemical Weapons Convention banning the development, production, stockpiling and use of chemical weapons.

THE DEVELOPMENT OF INTERNATIONAL HUMANITARIAN LAW APPLICABLE TO WEAPONS

Despite a long history of customary rules, it was not until the latter half of the 19th century that States first concluded an international treaty prohibiting in writing the use of a weapon. The **1868 St Petersburg Declaration Renouncing the Use, in Time of War, of Explosive Projectiles Under 400 Grammes Weight** was negotiated by 16 States, at an International Military Commission convened at the invitation of the Russian Tsar. It prohibited the use of a newly-developed ‘exploding’ bullet designed to destroy ammunition wagons, but which also exploded upon impact with the human body. But the importance of the 1868 St Petersburg Declaration *“lies not so much in the specific ban which it introduced as in its statement of the principles on which that ban was based. ... Humanitarian law accepts that one of the legitimate objects of warfare is to disable enemy combatants (and in many cases this necessarily involves killing) but it rejects the use of weapons which cause additional suffering for no military gain. That principle remains important today. It is one of the general principles of humanitarian law, by which the legality of all weapons and means of warfare fall to be measured.”*³

In 1899, at the First Hague Peace Conference, two further international agreements sought to prohibit, with varying degrees of success, chemical warfare and dum-dum bullets. Indeed, public outrage at the gassing of soldiers during the 1914-1918 war, which the **1899 Hague Declaration Concerning Asphyxiating Gases** failed to stop, led to the adoption of the **1925 Geneva Protocol** which prohibited the use in war of “asphyxiating, poisonous or other gases” and “bacteriological methods of warfare”.

Following the 1939-1945 war, efforts to prohibit specific conventional weapons were not successful until the adoption, in 1980, of the **United Nations Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects**. This instrument is generally referred to as the 1980 Convention on Certain Conventional Weapons or simply the ‘CCW’. Three protocols were originally annexed to it. The first prohibited the use of “*any weapon the primary effect of which is to injure by fragments which in the human body escape detection by X-rays*” (**Protocol I**); the second restricted the use of mines, booby-traps and other devices (**1980 Protocol II**); and the third restricted the use of incendiary weapons (**Protocol III**). A **Protocol IV** outlawing the use of laser weapons specifically designed to blind was added in September 1995 at the First Review Conference of the CCW, and in May 1996, the same Conference adopted an amended Protocol II (**1996 Amended Protocol II**).

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A number of States were not satisfied with the provisions of Amended Protocol II, however, and sought a legal instrument that would totally prohibit anti-personnel mines. In September 1997, following the launching of negotiations by Canada in the autumn of 1996, a specially-convened diplomatic conference in Oslo adopted the **Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction**, referred to here as the **Anti-Personnel Mine Ban Convention** for reasons of brevity. The AP MBC has many of the characteristics of a disarmament treaty, though its purpose is humanitarian.

On 28 November 2003, High Contracting Parties to the 1980 CCW adopted a new protocol – **Protocol V** – to address “*the serious post-conflict humanitarian problems caused by explosive remnants of war*”. It allocates responsibilities for the clearance, removal or destruction of ERW, defined as “*unexploded ordnance and abandoned explosive ordnance*”, and calls for “*all feasible precautions*” to protect civilians from their risks and effects. Among the measures laid down by the Protocol are specific obligations on recording, retaining and transmission of information that would help alleviate the humanitarian impact of ERW, the provision of warnings and risk education to affected communities, and assistance with respect to existing ERW. The Protocol entered into force on 12 November 2006 following notification of consent to be bound by 20 High Contracting Parties to the CCW. As of 13 April 2010, there were 65 States Parties to it.

THE DEVELOPMENT OF INTERNATIONAL HUMANITARIAN LAW APPLICABLE TO ANTI-PERSONNEL MINES

The 1939-1945 War saw huge advances in weapons technology. As a result of the ever-increasing impact of weaponry on the civilian population, the International Committee of the Red Cross (ICRC) believed that there was a need to strengthen the applicable legal regime. Thus, in June 1955, the ICRC issued its *Draft Rules for the Protection of the Civilian Population from the Dangers of Indiscriminate Warfare*, elaborated following a meeting of experts held in Geneva the previous year.

The 1955 Draft Rules sought to prohibit weapons “contrary to the laws of humanity”, whose consequences were “unpredictable and uncontrollable”. Two provisions appear particularly relevant to the use of landmines:

“The use of so-called delay-action projectiles is only authorized when their effects are limited to the objective itself.

Weapons capable of causing serious damage shall, so far as possible, be equipped with a safety device which renders them harmless when they can no longer be directed with precision against a military objective.”

Governments, however, reacted cautiously to the ICRC proposals. A decade later, the 1968 International Conference for Human Rights in Tehran, Iran, adopted a resolution calling upon the UN General Assembly to request the Secretary-General to study *“the need for additional humanitarian international conventions or for possible revision of existing conventions to ensure the better protection of civilians, prisoners and combatants in all armed conflicts and the prohibition and limitation of the use of certain methods and means of warfare”*.

Following the resolution, the same year the UN General Assembly adopted Resolution 2444 (XXIII) entitled Respect for Human Rights in Armed Conflicts calling upon the Secretary-General to prepare a study on this issue for its consideration. The study, which was submitted in November 1969, reviewed previous efforts to restrict the use of weapons and proposed that the legality of napalm be the subject of further detailed study.

In 1973, following a written proposal from experts of 19 governments, the ICRC convened two meetings of experts specifically to discuss the regulation of conventional weapons under international humanitarian law. The meetings included experts from 21 countries as well as a number of representatives of the UN and NGOs. The experts discussed general legal issues governing means of warfare, and the possible regulation of weapons of mass destruction, small calibre projectiles, blast and fragmentation weapons, time-delay weapons, incendiary weapons and potential future weapons, particularly lasers. Subsequently, repeated attempts were made to prohibit or restrict the use of specific conventional weapons in the two **1977 Additional Protocols** to the Geneva Conventions but these were ultimately unsuccessful. A number of States preferred to deal with the issue in a disarmament forum rather than a humanitarian law context, and there was disagreement on the weapons to be regulated as well as the nature of the regulation to be imposed. As the issue was threatening to delay the adoption of the protocols, on 9 June 1977, the Diplomatic Conference negotiating the 1977 protocols decided to recommend to the UN General Assembly that a separate conference be convened to consider prohibitions or restrictions on the use of specific conventional weapons.⁴

Following two successive UN General Assembly resolutions, preparatory conferences, attended by more than 80 States, were convened by the UN in August-September 1978 and March-April 1979. The **United Nations Conference on Prohibitions or Restrictions of Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects** met for two sessions in Geneva, on 10-28 September 1979, and on 15 September-10 October 1980. Although controls on the use of landmines, especially remotely delivered mines, were discussed at length,

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the most controversial issue continued to be the regulation of incendiary weapons, particularly napalm.

Following last-minute compromises, the CCW was adopted and the Convention and its three annexed Protocols subsequently entered into force on 2 December 1983. The CCW had made specific provision for future review of its provisions, including amendment of the chapeau Convention and existing annexed Protocols, as well as the addition of new Protocols. By the end of the 1980s, it was becoming increasingly evident that the norms established under Protocol II were not being widely applied in practice. On the one hand, the number of States Parties to the CCW was relatively low and, on the other, internal armed conflicts, not specifically covered by the Convention, were involving widespread indiscriminate use of landmines, especially anti-personnel mines. On 9 February 1993, following pressure by the French NGO, Handicap International, the French government formally submitted a request to the UN Secretary-General to convene a first Review Conference of the CCW.

On 16 December 1993, the UN General Assembly formally welcomed the request, encouraged the establishment of a group of governmental experts to prepare the review conference, and called upon “*the maximum number of States*” to attend. Six days later, the States Parties formally requested the UN Secretary-General to set up a group of governmental experts to consider among other things “*as a matter of priority*” concrete proposals for amendments to Protocol II, and especially:

- > strengthening restrictions on the use of anti-personnel mines and, in particular, those without neutralising and self-destruction mechanisms
- > considering the establishment of a verification system for provisions of this Protocol, and
- > studying opportunities for broadening the scope of this Protocol to cover armed conflicts that are not of an international character.⁵

In total, four meetings of the group of governmental experts were necessary to prepare the Review Conference, which proved unable to report before the end of 1994 as had been hoped because of the difficulty in reaching agreement. In accordance with General Assembly resolution 48/79, the ICRC was invited to attend the group of governmental experts as an observer. The UN was subsequently invited to attend in the same capacity, but NGOs were effectively excluded.

The first session of the Review Conference was held in Vienna on 25 September–13 October 1995.⁶ As agreement on amendments to Protocol II proved impossible to achieve,⁷ the Conference decided to continue its work at resumed sessions in Geneva on 15–19 January 1996 and on 22 April–3 May 1996. On 3 May 1996, more than two years after discussions on amending the Protocol had begun, States Parties to the CCW adopted by consensus an amended Protocol II.⁸ Amended Protocol II entered into force on 3 December 1998. The two versions of the Protocol continue to co-exist and it remains open to States to ratify 1980 Protocol II, or 1996 Amended Protocol II, or even both. Amended Protocol II was not universally praised. The ICRC, whose President, Cornelio Sommaruga, had called for the total prohibition of the production, stockpiling, transfer and use of anti-personnel mines prior to the “first meeting of governmental experts,⁹ called the restrictions on the use of antipersonnel mines “*woefully inadequate*” and indicated that the Protocol alone was “*unlikely to significantly reduce the level of civilian landmine casualties*”.¹⁰ The UN Secretary-General, Boutros Boutros-Ghali, said he was “*deeply disappointed*” by the failure to agree a ban.¹¹ Jody Williams, Coordinator of the International Campaign to Ban Landmines (ICBL – see below), heading a rapidly-growing network of hundreds of NGOs around the world, declared the Protocol a humanitarian failure.¹²

There were general concerns about the complexity of the provisions, which seemed difficult to apply, especially in internal armed conflict, and even the limited prohibitions on anti-personnel mines were subject to an optional nine year period of deferral. The ICBL and the ICRC also expressed particular concern about the definition of anti-personnel mine contained in Amended Protocol II:

- > a mine “*primarily designed to be exploded by the presence, proximity or contact of a person*”. The word ‘primarily’ introduced ambiguity into the definition, providing a possible loophole to avoid the additional restrictions imposed on these mines.

In May 1996, by the end of the First CCW Review Conference, more than 40 States were already supporting a total international prohibition on anti-personnel mines. The ICBL and the ICRC were both conducting energetic and effective public campaigns in favour of a total prohibition of the weapon. In order to sustain momentum, at the closing plenary of the Review Conference, Canada announced that it would host a meeting of pro-ban States later in the year to discuss ways to move the international community towards the prohibition of anti-personnel mines. That meeting, the **International Strategy Conference: Towards a Global Ban on Anti-Personnel Mines**, was held in the Canadian capital, Ottawa, from 3 to 5 October 1996.

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At the end of the Conference, the host country's Foreign Minister, Lloyd Axworthy, stunned governments present by issuing an invitation to return to Ottawa before the end of 1997 to sign a treaty banning anti-personnel mines. This fast-track negotiation became known as the **Ottawa Process**.

THE NEGOTIATION OF THE ANTI-PERSONNEL MINE BAN CONVENTION

A few weeks after the 1996 Ottawa Strategy Conference, the Austrian government formally circulated a first draft of a treaty banning anti-personnel mines. The text clearly drew heavily on 1996 Amended Protocol II as well as disarmament law texts, especially the 1993 Chemical Weapons Convention. It contained clear prohibitions of the development, production, stockpiling, transfer and use of anti-personnel mines, though it maintained the existing, controversial, definition of anti-personnel mines contained in Amended Protocol II, and required each State Party to destroy stockpiles within one year and to clear emplaced anti-personnel mines within five years of the Convention entering into force for that State.

In November 1996, the US Ambassador to the UN introduced a draft resolution into the General Assembly with 84 co-sponsors calling for the negotiation of a total prohibition of anti-personnel mines. In December 1996, the UN General Assembly adopted the proposed text as resolution 51/45S, which urged States to *“pursue vigorously an effective, legally binding international agreement to ban the use, stockpiling, production and transfer of anti-personnel landmines with a view to completing the negotiation as soon as possible”*. The resolution was supported by 157 States with no votes against and only 10 abstentions (Belarus, China, Cuba, the Democratic People's Republic of Korea, Israel, Pakistan, the Republic of Korea, the Russian Federation, Syria and Turkey).

Following the successful adoption of the General Assembly resolution, a 'core group' of supportive governments from around the world began meeting informally to discuss how to push the process forward. The first of a series of governmental meetings was held in Vienna under the auspices of the Austrian Foreign Ministry on 12–14 February 1997 to enable States to exchange views on the content of a Convention prohibiting anti-personnel mines. The **Expert Meeting on the Text of a Convention to Ban Anti-Personnel Mines**, which was attended by representatives of 111 governments, opened discussions on a number of key issues, particularly the virtues of an immediate versus a phased approach to a ban, the definition of an anti-personnel mine, verification, universality of adherence and the choice of the negotiating forum.

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Following the Vienna Expert Meeting, and taking into account the comments made by the participants, the Austrian government revised its original draft treaty text and on 14 March 1997 issued its second draft of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction. The most notable amendment from the first draft was in the definition of an anti-personnel mine, from which the word 'primarily' had been removed and a specific exemption added for anti-vehicle mines equipped with anti-handling devices.

On 24–25 April 1997 Germany hosted the **International Expert Meeting on Possible Verification Measures to Ban Anti-Personnel Landmines**. A total of 121 States were represented at the meeting. Views were divided between States which affirmed that detailed verification was essential to ensure that any agreement was effective, and others that argued that the proposed agreement was essentially humanitarian in character and stressed the overriding importance of a clear norm prohibiting anti-personnel mines.

On 13 May 1997, Austria issued its third and final draft text. The task was now to pave the way for a Diplomatic Conference to formally negotiate and adopt the treaty. On 24–27 June 1997, the Belgian government hosted the **International Conference for a Global Ban on Anti-Personnel Mines**, the official follow up to the 1996 Ottawa Strategy Conference. Its primary task was to adopt a declaration forwarding the third and final Austrian draft text for negotiation and adoption to the Diplomatic Conference that would be convened in Oslo in September 1997. Of the 156 States attending the Brussels Conference, a total of 97 signed the Brussels Declaration, which affirmed that the essential elements of a treaty to ban anti-personnel mines were:

- > a comprehensive ban on the use, stockpiling, production and transfer of anti-personnel mines, and
- > the destruction of all stockpiled and cleared anti-personnel mines; and international cooperation and assistance in the area of mine clearance in affected countries.

In addition to forwarding the Austrian draft text to the Oslo Diplomatic Conference, States supporting the Brussels Declaration also reaffirmed the goal set by the Canadian Foreign Minister of signing the treaty in Ottawa before the end of 1997.

The **Diplomatic Conference on an International Total Ban on Anti-Personnel Land Mines** (the **Oslo Diplomatic Conference**), convened by Norway, opened in Oslo on 1 September 1997 and was scheduled to last a maximum of three weeks.

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Only States that had formally supported the Brussels Declaration were officially recognised as participants in the Oslo Diplomatic Conference and therefore entitled to vote. All other States present were officially classed as observers, together with the ICBL, the ICRC, and representatives of the UN.

Negotiations during the Oslo Diplomatic Conference centred on the demands of the US for substantial changes in the draft Convention. The US came with many proposals, including an exception for use of mines on the Korean peninsula to protect the Republic of Korea. It was unsuccessful, however, and the US did not oppose the adoption of the Convention on the morning of 18 September 1997. The **Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (the Anti-Personnel Mine Ban Convention)** was open for signature for a fixed period of time — in Ottawa from 3 to 4 December 1997, and then at the United Nations headquarters in New York from 5 December 1997 until its entry into force. During this period 133 States signed the Convention thereby indicating their intention to formally accept the Convention at a later date. The Convention entered into force on 1 March 1999.



THE ROLE OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS

The International Committee of the Red Cross first raised concerns about landmines – anti-tank as well as anti-personnel – in 1955, following the use of prisoners of war for mine clearance during and following the 1939–1945 War. Towards the end of the 1980s, despite the adoption of the CCW and its Protocol II, the number of casualties due to antipersonnel mines grew rapidly. As a consequence, ICRC field surgeons asked the organisation’s Geneva headquarters to promote the need for effective preventive action. A number of carefully planned meetings and seminars followed, beginning with the Montreux Symposium on Mines, held in 1993. In February 1994, as States were preparing to attend intergovernmental meetings of experts in Geneva to prepare the First CCW Review Conference, the President of the ICRC declared that from a *“humanitarian point of view”* a *“world-wide ban on anti-personnel mines is the only truly effective solution (to the landmine crisis)”*.



ICRC

In autumn 1995, as negotiations at the first session of the CCW Review Conference in Vienna headed for deadlock, the ICRC decided to launch, for the first time in its history, a public media campaign in favour of the total prohibition of anti-personnel mines, with the ultimate goal of stigmatising the weapon in order to make its use *“unconscionable”*. With targeted regional seminars and workshops, some devoted to assessing the military utility of anti-personnel landmines, others looking at their humanitarian impact, the ICRC and certain national Red Cross societies contributed significantly to raising the consciousness of the world to the consequences of the widespread and indiscriminate use of the weapon.

The publication in 1996 of a study commissioned by the ICRC into the military effectiveness of anti-personnel mines in 26 armed conflicts beginning with the 1939–1945 War marked an important point in the effort to stem the use and proliferation of landmines.¹⁵ Its central conclusions were that: “*Although the military value of anti-tank mines is acknowledged, the value of (anti-personnel) mines is questionable. ... The limited military utility of (anti-personnel) mines is far outweighed by the humanitarian consequences of their use in actual conflicts. On this basis their prohibition and elimination should be pursued as a matter of utmost urgency by governments and the entire international community.*”¹⁴ Thereafter, from the launch of the ‘Ottawa Process’ in October 1996 until the adoption of the Convention on the Prohibition of Anti-Personnel Mines in September 1997, the ICRC participated in meetings as an expert observer. In accordance with its role “*to work for the faithful application of international humanitarian law applicable in armed conflicts*”, the ICRC is currently engaged in promoting the universalisation and implementation of both the CCW and its protocols, and the AP MBC.

THE ROLE OF THE INTERNATIONAL CAMPAIGN TO BAN LANDMINES

The International Campaign to Ban Landmine (ICBL) was born out of the work of field- and human-rights-based NGOs which had become increasingly concerned by the dramatic effects of anti-personnel mines on communities in conflict and post-conflict settings.¹⁵ The ICBL’s own “*ban movement chronology*”¹⁶ records the first notable event in the campaign as the publication in September 1991 by Asia Watch of Human Rights Watch (HRW) and Physicians for Human Rights (PHR) of *Land Mines in Cambodia, The Coward’s War*, in which both organisations called for “*consideration of an unconditional ban on the manufacture, possession, transfer, sale and use of land mines and other devices that detonate on contact in all international and internal conflicts*”.¹⁷



In November 1991, the Vietnam Veterans of America Foundation (VVAFA), Washington, and Medico International (MI), Frankfurt, agreed to jointly launch a campaign of advocacy to bring together NGOs in a coordinated effort to ban landmines. The following year, Handicap International (HI), HRW, MI, Mines Advisory Group (MAG), PHR and VVAFA all met in New York and agreed to coordinate campaigning efforts and to co-sponsor a first NGO Conference on Landmines in London in 1993. The six NGOs issued a ‘Joint Call to Ban Anti-Personnel Landmines’, the founding document of the ICBL.

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The joint call was for:

- > an international ban on the use, production, stockpiling, and sale, transfer or export of anti-personnel mines
- > the establishment of an international fund, administered by the United Nations, to promote and finance landmine awareness, clearance and eradication programmes worldwide, and
- > countries responsible for the production and dissemination of anti-personnel mines to contribute to the international fund.

The 1993 conference brought together 50 representatives of 40 NGOs to strategise on building the campaign to ban landmines. HI, HRW, MI, MAG, PHR and VVAF were formally recognised as the Steering Committee of the ICBL and VVAF was named as its Coordinator. The same year, following lobbying by HI, the French Foreign Ministry sent a letter to the UN Secretary-General officially requesting a review conference of the 1980 CCW. In 1995, following a successful advocacy campaign, Belgium became the first country to pass domestic legislation banning landmine use, production, procurement, sale and transfer, including components, parts and technology. In March 1996, prior to the adoption of Amended Protocol II, VVAF sponsored two full-page advertisements in *The New York Times* calling on the US President to ban anti-personnel mines immediately. The second of these advertisements was an open letter to the President signed by 15 retired high-ranking military officers. The military case for anti-personnel mines was coming under ever-increasing scrutiny.

The ICBL continued to grow in size and impact. By 1997, it numbered more than 1,000 NGO members. Following the successful adoption of the Anti-Personnel Mine Ban Convention, the Nobel Peace Prize was awarded jointly to the ICBL and its Coordinator, Jody Williams. The same year, on 10 December, a few days after the signature by 123 States of the Convention, the ICBL and Jody Williams received the prize at the formal ceremony held in Oslo.

By 1 March 1999, the date of the entry into force of the Convention, the ICBL had grown into a coalition of more than 1,300 NGOs in over 75 countries.¹⁸ One of the most significant achievements in ICBL's recent history has been the annual publication since 1999 of *Landmine Monitor*, the ICBL's "*unprecedented initiative... to monitor implementation of and compliance with*" the Convention. The initiative is discussed further in **Chapter 4**. The ICBL also continues actively to support the universalisation and implementation of the Anti-Personnel Mine Ban Convention.¹⁹

THE ROLE OF THE UNITED NATIONS

Although the Anti-Personnel Mine Ban Convention was formally adopted outside UN auspices, the UN actively supported a total prohibition on anti-personnel mines. In 1994, the UN Secretary-General submitted his first report on mine clearance to the General Assembly, noting that the “*best and most effective way*” to solve the global landmine problem was a complete ban of all landmines.²⁰ In addition, agencies such as the Office of the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Children’s Fund (UNICEF) advocated publicly for a ban on anti-personnel mines. Indeed, within the UN’s current definition of mine action, advocacy for a ban on anti-personnel mines is included as one of the five core components of the discipline.



UNITED NATIONS

The UN General Assembly itself played an important role in promoting a total ban on the weapon. In autumn 1993, in addition to calling for the first CCW Review Conference to be convened, the 48th session of the Assembly also adopted a resolution calling for a worldwide moratorium on the export of anti-personnel mines. In 1994, before the Assembly, US President William Clinton called for the first time for the “*eventual elimination*” of anti-personnel mines; this call was repeated in operative paragraph 6 of General Assembly Resolution 49/75D, adopted by consensus on 15 December 1994. In December 1996, the UN General Assembly adopted resolution 51/45S, which urged States to “*pursue vigorously an effective, legally binding international agreement to ban the use, stockpiling, production and transfer of anti personnel landmines with a view to completing the negotiation as soon as possible*”.

The Convention was ‘lodged’ with the UN on 1 March 1999. Countries can deposit their instruments of ratification with the UN. The UN supports adherence to, and implementation of, the Anti-Personnel Mine Ban Convention. It convenes the annual meetings and review conferences of States Parties to the Convention. Meetings and negotiations related to the Convention on Certain Conventional Weapons and its protocols take place under UN auspices.

ENDNOTES

- ¹ C. Greenwood, *Humanitarian Law and Laws of War*, Centennial of the First International Peace Conference, Preliminary Report, June 1998, p. 12.
- ² A. Roberts and R. Guelff (eds.), *Documents on the Laws of War*, Second Edition, Clarendon Press, Oxford, U.K., 1989, p. 29.
- ³ C. Greenwood, 'Historical Development and Legal Basis', in D. Fleck (ed.), *The Handbook of Humanitarian Law in Armed Conflicts*, Oxford University Press, 1995, pp. 19-20, footnotes omitted.
- ⁴ Resolution 22 (IV), Diplomatic Conference.
- ⁵ See UN doc. CCW/CONF.I/GE/4, pp. 2-3.
- ⁶ Altogether representatives of 44 States Parties and 40 States non-parties to the CCW participated in the first session of the Review Conference.
- ⁷ UN General Assembly resolution 50/74, adopted on 12 December 1995, called upon States Parties to "intensify their efforts in order to conclude negotiations on a strengthened Protocol II".
- ⁸ *Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices as Amended on 3 May 1996* (Protocol II as amended on 3 May 1996), hereinafter, *Amended Protocol II*.
- ⁹ In February 1994.
- ¹⁰ Statement of Eric Roethlisberger, Vice-President of the ICRC, to the closing session of the First Review Conference of the 1980 CCW, 3 May 1996.
- ¹¹ See F. Williams, 'UN fails to agree outright ban on landmines', *Financial Times*, 4 May 1996.
- ¹² See AFP-DL82, 3 May 1996.
- ¹³ ICRC, *Anti-Personnel Landmines: Friend or Foe, A Study of the Military Use and Effectiveness of Anti-Personnel Mines*, ICRC, Geneva, 1996.
- ¹⁴ See L. Maresca and S. Maslen (eds.), *The Banning of Anti-Personnel Landmines, the Role of the International Committee of the Red Cross 1955-1999*, Cambridge University Press, Cambridge, 2000, pp. 418-9.
- ¹⁵ Unless otherwise stated, this section is based on information contained in the ICBL's own *Ban Movement Chronology*; see www.icbl.org.
- ¹⁶ See www.icbl.org.
- ¹⁷ Asia Watch and Physicians for Human Rights, *Land Mines in Cambodia, The Coward's War*, Washington DC, 1991, pp. 102-103.
- ¹⁸ 'Mine Ban Treaty Enters Into Force — ICBL Praises Progress, Condemns Users', ICBL Press release, Oslo, 1 March 1999.
- ¹⁹ See www.icbl.org.
- ²⁰ UN Doc. A/49/357 of 6 September 1994.

CHAPTER 4

THE ANTI-PERSONNEL MINE BAN CONVENTION



THE ANTI-PERSONNEL MINE BAN CONVENTION

SUMMARY

The Anti-Personnel Mine Ban Convention was adopted on 18 September 1997 and entered into force on 1 March 1999.¹ As of 2010, more than three-quarters of the world's States had become parties to it and an international norm against anti-personnel mines had clearly been established. The Convention aims to put an end to the suffering and casualties caused by anti-personnel mines. It does so by obliging States Parties never to use, develop, produce, stockpile or transfer anti-personnel mines, and by requiring that they destroy existing stocks of anti-personnel mines, clear mined areas, and assist victims. In fulfilling their obligations, States Parties in need may request assistance and States Parties *"in a position to do so"* are to provide assistance. A variety of mechanisms exist, or have been established, to ensure that these cooperation and assistance provisions are brought to life.

INTRODUCTION

The background to the 1997 Anti-Personnel Mine Ban Convention and its negotiation have been described in [Chapter 3](#). This chapter reviews the core provisions of the Convention and its formal cooperation and assistance provisions, and discusses implementation mechanisms that have emerged since the Convention's entry into force. There is also a brief discussion of the Convention's mechanisms for monitoring implementation, ensuring compliance and addressing compliance concerns. Finally, the chapter considers the steps that States take to become parties to the Convention and the extent to which the Convention has been accepted by States. [Appendix 1](#) contains the text of the Convention and [Appendix 2](#) lists its States Parties as at 13 April 2010.

The Convention is a hybrid of international humanitarian law and international disarmament law. It has characteristics of a disarmament treaty, but has a purely humanitarian purpose. The first line of the preamble to the Convention underscores this intended humanitarian purpose when it says that States Parties are *"determined to put an end to the suffering and casualties caused by anti-personnel mines, that kill or maim hundreds of people every week . . . , obstruct economic development and reconstruction, inhibit the repatriation of refugees and internally displaced persons, and have other severe consequences for years after emplacement"*.

The preamble also points to what the States Parties have subsequently referred to as the core humanitarian aims of the Convention.² For example, the preamble indicates the States Parties' belief that it is necessary *"to contribute in an efficient and coordinated manner to face the challenge of removing anti-personnel mines placed throughout the world"*, their belief in the necessity of assuring the destruction of anti-personnel mines, their wish *"to do their utmost in providing assistance for the care and rehabilitation, including the social and economic reintegration*

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of mine victims” and their emphasis on “the desirability of attracting the adherence of all States to this Convention”. In essence, the Convention aims to live up to its humanitarian promise by ending the production, use and transfer of anti-personnel mines, destroying existing stockpiles, clearing mined areas and assisting victims. The Convention contains obligations related to each of these aims.

THE CORE PROVISION

Under Article 1 of the Convention, States Parties undertake “*never under any circumstances*” to use, produce, develop, stockpile, or transfer anti-personnel mines, or to assist, encourage or induce anyone to commit such acts. The phrase “*never under any circumstances*” means that the Convention applies in all situations and all circumstances, including peacetime and war or other armed conflict, and during internal disturbances or tensions. Parties may not resort to anti-personnel mines in attack or self-defence, even if threatened with imminent military defeat.

It is not possible to make any reservations to the provisions of the Convention.⁵ That means a State Party is not permitted to exclude or reduce the application of any of the Convention’s provisions, for example by declaring that it will not destroy its stockpiles within four years of becoming a State Party – all 22 articles are fully applicable to every State Party.

Ending the use of anti-personnel mines

The core of the Convention is its prohibition on the use of anti-personnel mines. This covers the new emplacement of anti-personnel mines, including the ‘refurbishment’ or ‘maintenance’ of existing minefields with new antipersonnel mines, and may even extend to taking tactical advantage of minefields laid by a State that is not party to the Anti-Personnel Mine Ban Convention. States Parties are, however, required to maintain fencing and marking or warning signs of an existing minefield to protect civilians, until they can be cleared.⁴

Article 1 | General obligations

1. Each State Party undertakes never under any circumstances:
 - a) To use anti-personnel mines;
 - b) To develop, produce, otherwise acquire, stockpile, retain or transfer to anyone, directly or indirectly, anti-personnel mines;
 - c) To assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Convention.
2. Each State Party undertakes to destroy or ensure the destruction of all anti-personnel mines in accordance with the provisions of this Convention.

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Assisting, encouraging or inducing a prohibited activity

It is prohibited to assist, encourage or induce anyone in any way to engage in any activity prohibited under the Convention.⁵ Thus, a State Party cannot assist anyone, irrespective of whether or not they are an individual, private company, armed group or non-State Party, to use, develop, produce, stockpile or transfer anti-personnel mines.

Since the Convention's entry into force, discussions have taken place regarding translating this legal prohibition into operational reality. In the context of these discussions, particular concern has been expressed by NGOs about situations where one or more State Parties are engaged in a joint military operation with a State that has not joined the Convention and which stockpiles, transports or uses anti-personnel mines in that operation. It appears that mere participation in a joint military operation with a State not party is not tantamount to assistance and is therefore not prohibited.

The definition of an anti-personnel mine

The definition of an anti-personnel mine is obviously central to the reach of the Convention. It was a major stumbling block during the negotiation of 1996 Amended Protocol II⁶ and was again discussed at some length during the negotiation of the Anti-Personnel Mine Ban Convention. The Convention defines an anti-personnel mine as a subset of a mine. That is, the Convention defines a mine as “a munition designed to be placed under, on or near the ground or other surface area and to be exploded by the presence, proximity or contact of a person or a vehicle”⁷.



Claymore-type mine

The anti-personnel mine is further defined as a “mine designed to be exploded by the presence, proximity or contact of a person and that will incapacitate, injure or kill one or more persons”⁸.

The definition of an anti-personnel mine is, though, qualified in that the Convention states that “mines designed to be detonated by the presence, proximity or contact of a vehicle, as opposed to a person, that are equipped with anti-handling devices, are not considered anti-personnel mines as a result of being so equipped”⁹.

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Article 2 | Definitions

1. “Anti-personnel mine” means a mine designed to be exploded by the presence, proximity or contact of a person and that will incapacitate, injure or kill one or more persons. Mines designed to be detonated by the presence, proximity or contact of a vehicle as opposed to a person, that are equipped with anti-handling devices, are not considered anti-personnel mines as a result of being so equipped.
...
3. “Anti-handling device” means a device intended to protect a mine and which is part of, linked to, attached to or placed under the mine and which activates when an attempt is made to tamper with or otherwise intentionally disturb the mine.

The term ‘anti-handling device’ is itself defined by the Convention as “*a device intended to protect a mine and which is part of, linked to, attached to or placed under the mine and which activates when an attempt is made to tamper with or otherwise intentionally disturb the mine*”.¹⁰

Some actors have raised concerns regarding the sensitivity of certain fuses on anti-vehicle mines as well as the sensitivity of certain anti-handling devices, which in their view cause the mines to function as anti-personnel mines. However, a number of States Parties do not accept that mines termed anti-vehicle or anti-tank by States or private manufacturers may come under the definition in the Anti-Personnel Mine Ban Convention if they are also triggered by a person.

The Convention prohibits Claymore-type directional fragmentation munitions when activated by tripwire (which makes them into a mine). These are explosive devices that contain steel ball bearings which, upon detonation, are sent out in a 60-degree arc over dozens or even hundreds of metres. However, they can lawfully be used in command-detonated mode – where they are activated by remote control – because they are not victim-activated and are therefore not indiscriminate in their effects. It is also widely agreed that improvised or adapted explosive devices functioning as anti-personnel mines are also prohibited by the treaty.

Destroying stockpiled anti-personnel mines

A State must destroy all anti-personnel mine stockpiles it owns or possesses or that are under its jurisdiction or control “*as soon as possible but not later than four years*” after it becomes party to the Anti-Personnel Mine Ban Convention.¹¹ The term ‘jurisdiction’ typically covers the whole of the sovereign territory of a State Party (even where the stockpiles may belong to another State); the term ‘control’ may apply extra-territorially, for instance if a State Party occupies territory belonging to another State and gains control of stockpiles

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of antipersonnel mines in the process. States Parties may retain and transfer some anti-personnel mines – “*the minimum number absolutely necessary*” – for the specific purposes of “*the development of and training in mine detection, mine clearance, or mine destruction techniques*”.¹²

Article 4 | Destruction of stockpiled anti-personnel mines

Except as provided for in Article 3, each State Party undertakes to destroy or ensure the destruction of all stockpiled anti-personnel mines it owns or possesses, or that are under its jurisdiction or control, as soon as possible but not later than four years after the entry into force of this Convention for that State Party.

This is intended to promote the humanitarian objectives of the Convention, and does not represent a loophole, as long as the provisions of Article 3 are applied in good faith. For example, a State Party may employ anti-personnel mines to train its soldiers to defuse or destroy mines, but may not train soldiers in how to deploy anti-personnel mines. In addition, anti-personnel mines may be employed for the development of mine detection, clearance and destruction techniques. The testing of mechanical mine clearance equipment, for instance, will typically require the use of anti-personnel mines.

Article 3 | Exceptions

1. Notwithstanding the general obligations under Article 1, the retention or transfer of a number of anti-personnel mines for the development of and training in mine detection, mine clearance, or mine destruction techniques is permitted. The amount of such mines shall not exceed the minimum number absolutely necessary for the above-mentioned purposes.
2. The transfer of anti-personnel mines for the purpose of destruction is permitted.

It is also permitted to transfer anti-personnel mines for the purposes of destruction.¹³ Some States have determined that they do not have the technical capacity to carry out stockpile destruction themselves – it may also be cheaper to pay private companies in another country to destroy stockpiles. Thus, States could take advantage of this opportunity to send mines abroad for cheaper or more environmentally-friendly disposal. The destruction of anti-personnel mines is one of the Convention’s great successes. More than 80 percent of the world’s States now no longer possess stockpiled anti-personnel mines and by the end of 2009 the States Parties together had destroyed more than 42.3 million mines. However, the failure by a small number of States Parties to comply with their deadlines for destruction has been a matter of grave concern for the States Parties.

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Clearing mined areas

Each State Party is obliged to clear all emplaced anti-personnel mines in mined areas under its jurisdiction or control as soon as possible but not later than 10 years after it becomes Party to the Convention.¹⁴ A mined area is defined as any area that is dangerous because of the presence or suspected presence of mines. It is understood that the implementation of Article 5 requires that States Parties render all such areas no longer dangerous due to the presence or suspected presence of anti-personnel mines. The States Parties have further recognised that the implementation of Article 5 is indeed possible, as has been demonstrated by State practice and given the advances made in humanitarian demining.

While operations to clear or otherwise release mined areas are ongoing, a State Party with emplaced anti-personnel mines under its jurisdiction or control must “*make every effort to identify all areas under its jurisdiction or control in which anti-personnel mines are known or suspected to be emplaced*” and must then perimeter-mark, monitor and protect by fencing or other means to ensure the effective exclusion of civilians.¹⁵ These States Parties are required to report on these and other risk reduction efforts.

Article 5 | Destruction of anti-personnel mines in mined areas

1. Each State Party undertakes to destroy or ensure the destruction of all anti-personnel mines in mined areas under its jurisdiction or control, as soon as possible but not later than ten years after the entry into force of this Convention for that State Party.

The Convention’s drafters were realistic in accepting that some of the most heavily-mined States may not be able to comply with the 10-year deadline because of the level of contamination and available capacity and resources. For this reason, it is possible for a State Party to apply for an extension period of up to 10 years.¹⁶

A State Party has to provide a detailed explanation of the reasons for the proposed extension and its humanitarian, social, economic and environmental implications.¹⁷ A Meeting of the States Parties or a Review Conference of the Convention decides whether or not to grant the extension period.¹⁸ If granted, the extension period may be renewed upon the submission of a new request.¹⁹

The first deadlines for States Parties to complete clearance of all anti-personnel mines in mined areas under their jurisdiction or control fell on 1 March 2009. Fifteen extension requests were submitted in 2008, and all were approved by the Ninth Meeting of the States Parties in November 2008.²⁰

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In 2009, a further four States Parties requested and were granted extensions.²¹

At the Seventh Meeting of the States Parties in September 2006, the States Parties agreed to a procedure related to the process of requesting and considering extensions. Key features of this process are that States Parties requesting extensions are encouraged to seek the assistance of the Implementation Support Unit (ISU) of the GICHD in preparing their requests, that their requests should be submitted no fewer than nine months before the instance when they would be considered, and that the Convention's President and Co-Chairs and Co-Rapporteurs of the Standing Committees will prepare an analysis of each request received. In addition, at the 2009 Second Review Conference, the States Parties recorded that the ISU has provided to requesting States Parties a suggested outline for organising requests. Most States Parties that have submitted requests have made use of this outline.



Handover ceremony of the Cartagena Declaration | Cartagena, Colombia | 4 December 2009

Assisting victims

The Anti-Personnel Mine Ban Convention, for the first time in a legally binding international treaty, addresses the concerns of the victims of a particular weapon. While each individual State is responsible for the well-being of its citizens, Article 6 of the Convention makes it clear that States Parties are not alone in the fulfilment of their responsibilities to landmine victims. The Convention states 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”*.²² The States Parties have defined “landmine victim” to include individuals, families and communities – those who either individually or collectively have suffered physical or psychological injury, economic loss or substantial impairment of their fundamental rights through acts or omissions related to mine utilisation.

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Since 2004, 26 States Parties have self-identified as holding ultimate responsibility for significant numbers – hundreds or thousands – of landmine survivors. Since the Convention's First Review Conference in 2004, efforts have been led by the Co-Chairs of the Convention's Standing Committee on Victim Assistance to empower these States Parties to establish specific, measurable and time-bound objectives and develop and implement a plan of action to enhance the care, rehabilitation and reintegration of landmine survivors and other persons with disabilities within their respective countries. The aim is that by doing so, progress will be made in implementing the victim assistance provisions of the Convention and challenges that remain will be clearer.

The Convention's work on victim assistance has inspired the inclusion of commitments to assist victims of specific weapons in other international instruments. The understandings on victim assistance adopted by the States Parties and their implementing practices provided the basis for comprehensive legal obligations to assist victims in the Convention on Cluster Munitions. In addition, the Convention inspired the adoption in 2008 of a victim assistance action plan for Protocol V of the Convention on Certain Conventional Weapons. It has been recognised that the framework developed for victim assistance in the context of the Convention is equally applicable to addressing the rights and needs of victims of other explosive remnants of war, including victims of cluster munitions, and that the approaches taken by relevant instruments of international law are congruent.

COOPERATION AND ASSISTANCE IN THE IMPLEMENTATION OF THE CONVENTION

The Convention includes implementation mechanisms designed to promote cooperation and the provision of assistance in the pursuit of the Convention's core humanitarian aims. In addition, the States Parties have subsequently established additional mechanisms to help bring to life the Convention's cooperation and assistance measures. Other mechanisms have also emerged on an informal basis.

Cooperation and assistance: rights and responsibilities

Article 6 of the Convention contains detailed provisions related to international cooperation and assistance. This article outlines that each State Party, "*in fulfilling its obligations under this Convention*", has certain **rights**, including "*the right to seek and receive assistance, where feasible, from others States Parties to the extent possible*", "*the right to participate in the fullest possible exchange of equipment, material and scientific and technological information concerning the implementation of this Convention*", and, the right to request assistance "*in the elaboration of a national demining programme*".

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Article 6 also indicates that each State Party has certain **responsibilities** – when “*in a position to do so*” – to provide assistance for victim assistance, mine awareness programmes (now referred to as mine risk education programmes), mine clearance and related activities and the destruction of stockpiled anti-personnel mines. In addition, each State Party accepts the responsibility not to “*impose undue restrictions on the provision of mine clearance equipment and related technological information for humanitarian purposes*”. Assistance can be provided bilaterally, through regional organisations, such as the Organization of American States, or internationally, particularly through the UN. The UN, for example, already supports mine action programmes in more than 30 countries. Assistance can also be given through the International Committee of the Red Cross (ICRC), national Red Cross and Red Crescent societies and their International Federation, or NGOs. The Geneva International Centre for Humanitarian Demining (GICHD) is a platform for networking and information exchange, and houses the Implementation Support Unit (ISU), which is described below.

The States Parties have come to recognise that strong national ownership is essential for ensuring that cooperation can flourish. Mine-affected States Parties themselves have remarked that national ownership in the clearance of anti-personnel mines and other explosive hazards implies, inter alia, the following five components: (i) high level interest and leadership in fulfilling mine clearance obligations, (ii) a national authority empowered and provided with the human, financial and material capacity to carry out its responsibilities, (iii) a clear understanding of the size, location and quality of the Article 5 implementation challenge or a commitment to promptly acquire such an understanding, (iv) a realistic but not unambitious plan to complete implementation of Article 5 as soon as possible and, (v) a regular significant national financial commitment to the State’s own humanitarian demining programme. It has been noted that, while the existence of these components will not guarantee that resources will flow in response to needs, demonstrating national ownership makes it significantly more likely that cooperation will flourish between those with needs and those in a position to provide assistance.

Meetings of the States Parties and Review Conferences

The annual Meetings of the States Parties are major decision making forums and have become instances when the States Parties have both reviewed the application of their agreed action plans and highlighted priority areas of work for a subsequent year. The formal mandate provided to the meetings was to review: the operation and status of the Convention; “*matters arising*” from the transparency reports; international cooperation and assistance; and the development of mine clearance technologies; any submissions by States Parties under Article 8 dealing with compliance issues; and to decide whether to grant an extension period to the deadline for clearance of anti-personnel

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mines in mined areas.²⁵ In keeping with the nature of the partnership established during the Ottawa process, States Parties have ensured that the UN, the ICRC, the GICHD and NGOs have a prominent place in their annual meetings and other fora.



In addition, the Convention provides for Review Conferences, which allow for more comprehensive examinations of cooperative efforts to implement the Convention.²⁴ The Convention's First Review Conference – the Nairobi Summit on a Mine-Free World – was held in the Kenyan capital from 29 November to 3 December 2004. Among a number of important decisions, this Conference adopted a comprehensive review of the first five years of implementation of the Convention and a forward looking Nairobi Action Plan 2005-2009. The Convention's Second Review Conference – the Cartagena Summit on Mine-Free World, which took place in Cartagena, Colombia from 30 November to 4 December 2009, repeated the practice of adopting a comprehensive five year review and forward looking action plan – the Cartagena Action Plan 2010-2014.

Both Review Conferences were held at the highest level possible, with large numbers of delegates at the ministerial-level or higher taking part in high level segments. These high level and other representatives adopted and signed the declarations committing themselves and their States to strengthen efforts to overcome remaining challenges to implement the Convention. In total, 128 States and upwards of 1,000 delegates took part in the 2009 Second Review Conference making it one of the largest ever gatherings of the international community dedicated to ending the landmine era.

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Implementation mechanisms established by the States Parties

While accepting that Meetings of the States Parties, Review Conferences and Article 6 of the Convention are important, the States Parties at an early stage knew that more would be required to bring to life the cooperation and assistance provisions of the Convention. At their first annual meeting in 1999, the States Parties created the innovative Intersessional Work Programme “to ensure the systematic, effective implementation of the Convention through a more regularised programme of work”. **Standing Committees**, as they are now known, were created to “engage a broad international community for the purpose of advancing the achievement of the humanitarian objectives of the Convention”.²⁵

The Intersessional Work Programme’s committee structure largely mirrors the humanitarian aims of the Convention, in that distinct forums are dedicated to: assisting victims, clearing mined land, destroying stockpiled mines; and reviewing the general status and operation of the Convention, including the status of efforts to mobilise resources for implementation. In keeping with the Convention’s tradition of partnership between developed and developing countries, States Parties selected to serve as Co-Chairs and Co-Rapporteurs of the Standing Committees traditionally have been matched to ensure a balance between mine-affected and donor States, and between different regions of the world. They also reflect the spirit of partnership established by the Ottawa process between governments, the UN, the ICRC, the GICHD and NGOs.

In addition to having created the Intersessional Work Programme, in 2000 the States Parties established a committee to coordinate matters relating to and flowing from the work of the Standing Committees and the work of the Meetings of the States Parties. The **Coordinating Committee** includes the Standing Committee’s 16 Co-Chairs and Co-Rapporteurs and is chaired by the President of the most recent Meeting of the States Parties.

In responding to further identified needs, in 2001 the States Parties provided the GICHD with the mandate to furnish ongoing support to the States Parties through the Implementation Support Unit. The **Implementation Support Unit** provides independent professional advice and support to the Presidents of Meetings of the States Parties, the Co-Chairs of the Standing Committees and individual States Parties. It disseminates a range of information on the Convention to the States Parties and all other interested actors. In addition, on the basis of its mandate, the Implementation Support Unit has established and maintains a documentation centre.

Implementation mechanisms that have emerged informally

The cooperative approach of the States Parties has gone beyond their formal agreements to establish various implementation mechanisms, and a third category of mechanisms has emerged to assist in implementing the Convention. These are mechanisms that have emerged on an informal basis. For example, to promote widespread international participation in the work of the Convention, a group of States Parties has established a delegate **Sponsorship Programme**. On the basis of voluntary contributions from a group of donors, this programme has ensured that over 100 delegates each year are provided with financial support to attend meetings, thereby ensuring that all States Parties – even those with limited means – can have their voices heard in discussions concerning the fulfilment of their responsibilities to implement the Convention. The Sponsorship Programme is administered by the GICHD.

Other informal mechanisms that have emerged include **Contact Groups**, that are voluntary associations of States Parties and non-State partners which meet regularly to discuss matters of common interest. For example, since 2000 contact groups have been established to consider cooperative means to promote the universal acceptance of the Convention, the exchange of information in accordance with the Convention's reporting requirements, the mobilisation of resources, and linking mine action to development.

Monitoring implementation and ensuring compliance

When it was established in 2000 the States Parties established a committee to coordinate matters relating to and flowing from the work of the Standing Committees and the work of the Meetings of the States Parties. Rather, the Convention emphasises individual State responsibility in national implementation, cooperation and dialogue, and ensures the ongoing pursuit of the Convention's core humanitarian aims.

Elements of the Convention that underscore this point include an annual transparency reporting obligation (Article 7 reports), the obligation of each State Party to establish its own particular measures to ensure compliance, and a set of procedures available to the States Parties if it is considered that clarification is required regarding questions of compliance. The good offices of the UN Secretary-General are available to help resolve any disputes.

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Transparency measures

In accordance with Article 7 of the Convention, each State must submit a report to the Secretary-General of the UN – within 180 days of becoming a party to the treaty and then no later than 30 April of each subsequent year – on the following issues:

- > national implementation measures
- > the size of anti-personnel mine stockpiles
- > the location of mined areas, and as much detail as possible about the anti-personnel mines within these areas
- > the numbers and types of mines retained or transferred for the development of and training in mine detection, mine clearance, or mine destruction techniques, or transferred for destruction
- > the status of programmes for the conversion or decommissioning of anti-personnel mine production facilities
- > the progress of stockpile destruction
- > details of anti-personnel mines produced in the past, so as to facilitate mine clearance, and
- > details of mine awareness programmes.

From the outset, the States Parties decided there would be great value in ensuring that transparency reports would be easily accessible to all who had an interest in them.²⁶ Therefore, the reports, which are often extremely detailed, are made publicly available by the UN Office for Disarmament Affairs on its website.²⁷

In 1999, the States agreed to a common format to facilitate reporting. One year later, they amended this format to provide an opportunity for States Parties to volunteer information on any other matter relevant to the implementation of the Convention, including the provision of assistance to victims. In 2001, the States Parties expressed their appreciation for the development, by the UK-based organisation VERTIC, of a reporting guide. In 2003, the States Parties were encouraged “to maximise the potential of the reporting format as an important tool to measure progress and communicate needs”.²⁸ In 2005, the States Parties amended the reporting format to provide a means to volunteer additional information on mines retained for reasons that are permitted under Article 3 of the Convention. In 2007, the State Parties again amended the reporting format with a view to facilitating reporting of stockpiled anti-personnel mines discovered and destroyed after Article 4 deadlines have passed.

Ensuring full compliance

As the Convention does not see States delegating authority on compliance matters to a particular organisation or structure, ensuring full compliance remains an important responsibility of each individual State Party. To fulfil this responsibility, each State Party is required to take “*all appropriate legal, administrative and other measures, including the imposition of penal sanctions*” to prevent and suppress activities outlawed by the Convention committed by persons or on territory under its jurisdiction or control.²⁹ For some States, ratification of the Convention automatically incorporates its obligations into domestic law. Most, however, need to adopt implementing legislation. Other measures may include revising military doctrine and military manuals, retraining troops and issuing administrative directions to its armed forces.

The States Parties also remained aware that the Convention includes a variety of collective means to facilitate and clarify questions related to compliance – means that are founded on a desire to consult and cooperate, rather than to accuse and investigate. For example, the Convention indicates that the States Parties “*agree to consult and cooperate with each other regarding the implementation of the provisions of the Convention, and to work together in a spirit of cooperation to facilitate compliance by States Parties with their obligations*”. Actions taken in accordance with this provision of the Convention include Presidents of Meetings of the States Parties having sought to address concerns about compliance that have arisen since the 2004 First Review Conference. In one instance, the current, in-coming and immediate past Presidents collaborated to develop approaches that would be in the best interest of the Convention and the States Parties concerned.

Should steps taken bilaterally or in the context of the Convention’s implementation mechanisms be considered insufficient to obtain clarity on a compliance concern, States Parties have at their disposal a set of formal processes to facilitate and clarify compliance. These processes include the possibility of compulsory fact-finding missions in certain circumstances. The members of any fact-finding mission will be appointed by the UN Secretary-General.

Non-governmental organisations have also played a role in ensuring full compliance. For example, the ICBL’s Landmine and Cluster Munitions Monitor promotes compliance and full implementation by monitoring and reporting on the actions of all States Parties. In addition, notwithstanding the fact that as an instrument addressed to States the Convention does not directly apply to armed non-State actors, non-governmental organisations such as the Geneva Call have promoted compliance with the Convention’s norms by such actors.

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BECOMING A STATE PARTY TO THE CONVENTION

In order to become a party to the Convention, a State that signed the Convention before it came into force must ratify it, and a State that did not originally sign the Convention must now accede to it. A State's ratification or accession process is complete once it deposits its instrument of ratification or accession with the Convention's depository, the Secretary-General of the United Nations. The Convention required 40 States to ratify or accede to it before the Convention would enter into force – *"on the first day of the sixth month after the month in which the 40th instrument of ratification, acceptance, approval or accession"* had been deposited with the UN Secretary-General.⁵⁰

On 18 September 1998, the 40th State ratified or acceded to the Convention and in total by the end of that month 45 States had taken such an action. Therefore, the Convention entered into force on 1 March 1999 with these 45 States becoming the first parties to it.⁵¹ For any State ratifying or acceding to the Convention subsequent to September 1998, the Convention entered into force or will enter into force *"on the first day of the sixth month after the month in which the 40th instrument of ratification, acceptance, approval or accession"* was deposited.⁵²

The Convention was open for signature for a fixed period of time – in Ottawa from 3 to 4 December 1997, and then at the UN headquarters in New York from 5 December 1997 until its entry into force. During this period 133 States signed the Convention thereby indicating their intention to formally accept the Convention at a later date and obliging themselves, in accordance with Article 18 of the 1969 Vienna Convention on the Law of Treaties, to not take any action that would undermine the object and purpose of the Convention.

UNIVERSALISATION OF THE CONVENTION

The Anti-Personnel Mine Ban Convention entered into force 15 months after it was opened for signature. As of 13 April 2010, 156 States had ratified or acceded to the Convention, more than three-quarters of the world's States. These States include almost every country in the Americas, Europe and Sub-Saharan Africa, the vast majority of countries that at one time were producers of anti-personnel mines and the world's most mine affected countries. The collective efforts of these countries have resulted in the destruction of more than 42.3 million stockpiled anti-personnel mines.

However, a number of significant military powers remain outside the Convention. These States possess significant stockpiles of anti-personnel mines. The challenge for all who support the Convention is therefore to make the norms it sets down universally accepted and respected.



ENDNOTES

- ¹ As was seen in Chapter 3, the full title of the instrument is the *Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction*. The abbreviated form of the title used here is currently employed by the United Nations but has no formal legal status.
- ² United Nations, *Final Report of the Fourth Meeting of the States Parties to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction*, September 2002.
- ³ Article 19, *Anti-Personnel Mine Ban Convention*.
- ⁴ Article 5, paragraph 2, *Anti-Personnel Mine Ban Convention*. According to this provision: "Each State Party shall make every effort to identify all areas under its jurisdiction or control in which anti-personnel mines are known or suspected to be emplaced and shall ensure as soon as possible that all anti-personnel mines in mined areas under its jurisdiction or control are perimeter-marked, monitored and protected by fencing or other means, to ensure the effective exclusion of civilians, until all anti-personnel mines contained therein have been destroyed. The marking shall at least be to the standards set out in the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices, as amended on 3 May 1996, annexed to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects".
- ⁵ Article 1, paragraph 1(c), *Anti-Personnel Mine Ban Convention*.
- ⁶ See Chapter 6.
- ⁷ Article 2, paragraph 1, *Anti-Personnel Mine Ban Convention*.
- ⁸ Article 2, paragraph 2, *Anti-Personnel Mine Ban Convention*. The Convention's definition of an anti-personnel mine is thus different from the one contained in Amended Protocol II to the Convention on Certain Conventional Weapons, which defines an anti-personnel mine as a mine "primarily designed to be exploded by the presence, proximity or contact of a person and that will incapacitate, injure or kill one or more persons." Article 2, paragraph 3, 1996 Amended Protocol II.
- ⁹ Article 2, paragraph 2, *Anti-Personnel Mine Ban Convention*.
- ¹⁰ Article 2, paragraph 3, *Anti-Personnel Mine Ban Convention*.
- ¹¹ Article 4, *Anti-Personnel Mine Ban Convention*.
- ¹² Article 3, paragraph 1, *Anti-Personnel Mine Ban Convention*.
- ¹³ Article 3, paragraph 2, *Anti-Personnel Mine Ban Convention*.
- ¹⁴ Article 5, paragraph 1, *Anti-Personnel Mine Ban Convention*.
- ¹⁵ Article 5, paragraph 2, *Anti-Personnel Mine Ban Convention*.
- ¹⁶ Article 5, paragraph 3, *Anti-Personnel Mine Ban Convention*.
- ¹⁷ Article 5, paragraph 4, *Anti-Personnel Mine Ban Convention*.
- ¹⁸ Article 5, paragraph 5, *Anti-Personnel Mine Ban Convention*.
- ¹⁹ Article 5, paragraph 6, *Anti-Personnel Mine Ban Convention*.
- ²⁰ Bosnia and Herzegovina, Chad, Croatia, Denmark, Ecuador, Jordan, Mozambique, Nicaragua, Peru, Senegal, Thailand, the United Kingdom, Venezuela, Yemen, and Zimbabwe.
- ²¹ Argentina, Cambodia, Tajikistan, and Uganda.

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ENDNOTES

- ²² Article 6, paragraph 3, *Anti-Personnel Mine Ban Convention*.
- ²³ Article 11, paragraph 1, *Anti-Personnel Mine Ban Convention*.
- ²⁴ Article 12, paragraph 2, *Anti-Personnel Mine Ban Convention*.
- ²⁵ United Nations, *Final Report of the First Meeting of the States Parties to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction*, May 1999.
- ²⁶ *Ibid.*
- ²⁷ www.unog.ch, see under 'disarmament'.
- ²⁸ United Nations, *Final Report of the Fourth Meeting of the States Parties to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction*, September 2002.
- ²⁹ Article 9, *Anti-Personnel Mine Ban Convention*.
- ³⁰ Article 17, paragraph 1, *Anti-Personnel Mine Ban Convention*.
- ³¹ Andorra, Austria, Bahamas, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Bulgaria, Burkina Faso, Canada, Croatia, Denmark, Djibouti, Equatorial Guinea, Fiji, the Former Yugoslav Republic of Macedonia, France, Germany, Grenada, Holy See, Honduras, Hungary, Ireland, Jamaica, Japan, Malawi, Mali, Mauritius, Mexico, Mozambique, Namibia, Niue, Norway, Peru, Samoa, San Marino, Senegal, South Africa, Switzerland, Trinidad and Tobago, Turkmenistan, the United Kingdom, Yemen, and Zimbabwe.
- ³² Article 17, paragraph 2, *Anti-Personnel Mine Ban Convention*.

CHAPTER 5

THE CONVENTION ON CLUSTER MUNITIONS



THE CONVENTION ON CLUSTER MUNITIONS

This chapter describes the negotiation and content of the Convention on Cluster Munitions, the most recent addition to the body of international humanitarian and disarmament law. The convention, which prohibits all cluster munitions deemed to cause unacceptable harm to civilians, was adopted on 30 May 2008 in Dublin, Ireland, and was opened for signature on 3 - 4 December 2008 in Oslo, Norway. It enters into force on 1 August 2010.

NEGOCIATION OF THE CONVENTION: THE OSLO PROCESS

The impetus for the negotiation of the Convention, as with the 1997 Anti-Personnel Mine Ban Convention, was concern over the impact of these weapons on civilians. One of the preambular paragraphs of the Convention refers to the determination of States Parties “to put an end for all time to the suffering and casualties caused by cluster munitions at the time of their use, when they fail to function as intended or when they are abandoned.”¹

Norway launched the “Oslo Process” after discussions within the auspices of the Convention on Certain Conventional Weapons (CCW) at the United Nations in Geneva failed to make progress on cluster munitions. Twenty-five States had called for the negotiation of a new international treaty on cluster munitions at the Third CCW Review Conference in November 2006. At the time, however, the development of such a treaty was opposed by a number of major military powers. The Oslo Process sought to negotiate and conclude a treaty outside of the CCW.²

The process formally began in February 2007 at a meeting convened by the Royal Norwegian Ministry of Foreign Affairs in Oslo. On 23 February, 46 States issued the Declaration of the Oslo Conference on Cluster Munitions (the “Oslo Declaration”), committing themselves to:

“Conclude by 2008 a legally binding international instrument that will: (i) prohibit the use, production, transfer and stockpiling of cluster munitions that cause unacceptable harm to civilians, and (ii) establish a framework for cooperation and assistance that ensures adequate provision of care and rehabilitation to survivors and their communities, clearance of contaminated areas, risk education and destruction of stockpiles of prohibited cluster munitions.”

The Oslo Process included a series of global conferences to discuss draft versions of the proposed Convention. These conferences took place in Lima (May 2007), Vienna (December 2007), and Wellington (February 2008) prior to the final diplomatic negotiations in Dublin in May 2008. These global conferences were supported by a series of regional and thematic meetings. These meetings, held in Pnomh Penh, San Jose, Belgrade, Brussels and Livingstone, addressed particular aspects of the cluster munitions issue and

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provided input to the discussions at the global conferences. A total of 79 countries adopted the “Wellington Declaration”⁵ at the meeting in Wellington, New Zealand, which set out the principles to be included in the future convention, in particular:

- > a prohibition on the use, production, transfer and stockpiling of cluster munitions that cause unacceptable harm to civilians, and
- > a framework for cooperation and assistance that ensures adequate provision of care and rehabilitation to survivors and their communities, clearance of contaminated areas, risk education, and destruction of stockpiles.

The convention was negotiated at a Diplomatic Conference convened on 19- 30 May 2008 in Dublin. The text was formally adopted on 30 May 2008 by the 107 negotiating states (see [Appendix 4](#)). In accordance with its Article 15, the Convention on Cluster Munitions was opened for signature on 3 - 4 December 2008 in Oslo. It will remain open for signature at the UN Head-quarters in New York until its entry into force.

DEFINITION OF CLUSTER MUNITIONS UNDER THE CONVENTION

The Convention defines a cluster munition as meaning “a conventional munition that is designed to disperse or release explosive submunitions each weighing less than 20 kilograms, and includes those explosive submunitions...”⁴ The Convention also applies to submunitions contained within fixed-wing dispensers, which are termed ‘explosive bomblets’.⁵ This definition covers the vast majority of weapons with submunitions that have been produced, and all that have been used to date.

The Convention excludes from the definition the following:

- (a) A munition or submunition designed to dispense flares, smoke, pyro-technics or chaff; or a munition designed exclusively for an air defence role
- (b) A munition or submunition designed to produce electrical or electronic effects
- (c) A munition that, in order to avoid indiscriminate area effects and the risks posed by unexploded submunitions, has all of the following characteristics:
 - (i) Each munition contains fewer than ten explosive submunitions
 - (ii) Each explosive submunition weighs more than four kilograms
 - (iii) Each explosive submunition is designed to detect and engage a single target object

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- (iv) Each explosive submunition is equipped with an electronic self-destruction mechanism
- (v) Each explosive submunition is equipped with an electronic self-deactivating feature⁶

The Convention neither prohibits nor restricts the use of these weapons. Their use is permitted on the basis that they will not have the indiscriminate area effects or pose the unexploded ordnance risks of other similar weapons. However, like all other weapons, such munitions are regulated by the general rules of IHL governing the conduct of hostilities. They are also covered by Protocol V on explosive remnants of war.⁷

The Convention also excludes the following from its prohibitions:

- > all landmines⁸
- > a munition or submunition designed to dispense flares, smoke, pyrotechnics, or chaff⁹
- > a munition designed exclusively for an air defence role,¹⁰ and
- > a munition or submunition designed to produce electrical or electronic effects.¹¹

GENERAL PROHIBITIONS

Under Article 1, paragraph 1 of the convention, States Parties are obliged “never under any circumstances” to:

- (a) Use cluster munitions
- (b) Develop, produce, otherwise acquire, stockpile, retain or transfer to anyone, directly or indirectly, cluster munitions
- (c) Assist, encourage or induce anyone to engage in any activity prohibited to a State Party under this Convention

The undertaking “never under any circumstances” to use, develop, produce, stockpile, or transfer cluster munitions, or to assist, encourage or induce anyone to do so, means that the Convention applies in all situations and all circumstances, including peacetime and war or other armed conflict, and during internal disturbances or tensions. States Parties may not resort to cluster munitions in attack or self-defence, even if threatened with imminent military defeat. Furthermore, it is not possible to make any reservations to the provisions of the Convention;¹² States Parties may only take advantage of exceptions specifically provided for, such as the retention of a small number of cluster munitions for training and research into clearance techniques (*see below section on exceptions to the prohibitions on stockpiling and transfer*).

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Although the convention is addressed to States and not to non-State armed groups, the preamble notes that States Parties are resolved that such groups “shall not, under any circumstances, be permitted to engage in any activity prohibited to a State Party to the convention.”¹⁵ Although there has been relatively limited use by non-State armed groups of cluster munitions, a leading member of such a group in Croatia ordered the use of the weapons against Zagreb in 1995, resulting in many civilian casualties. In addition, Human Rights Watch has alleged that Hezbollah used cluster munitions against Israel during the armed conflict in Lebanon in 2006.¹⁴

Prohibition on use

The core of the convention is its prohibition on the use of cluster munitions, as defined in the Convention itself. Indeed, the Oslo Declaration referred to the “grave consequences caused by the use of cluster munitions.” Use covers the employment of cluster munitions all situations, whether in armed conflict, internal disturbances, or peacetime (unless it falls within the permitted exceptions; *see below sections on the prohibitions on stockpiling and transfer*).

A provision entitled *Relations with States not party to this Convention* expressly allows States Parties to engage in military cooperation and operations with States that have not adhered to the Convention on Cluster Munitions and which might commit acts prohibited under the convention (*see below section on interoperability*).¹⁵ It is, however, also provided that in such a situation, no State Party may itself use cluster munitions, or “expressly request the use of cluster munitions in cases where the choice of munitions used is within its exclusive control.”¹⁶ Furthermore, States Parties are required to discourage the use of cluster munitions by States not party to the Convention and to notify them of their obligations under the Convention and promote the norms it establishes.¹⁷

Prohibition on stockpiling

Each State Party undertakes never to stockpile cluster munitions. States may, however, retain a limited number of cluster munitions and explosive submunitions for training in clearance and development of destruction techniques, as well as for the development of counter-measure techniques.¹⁸

Prohibition on production and development

The convention’s prohibition on production of cluster munitions is immediate and absolute. There are no exceptions and in accordance with Article 1 of the convention each State Party is further obliged not to develop or acquire cluster munitions in the future.

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Prohibition on transfer

Each State Party undertakes never to transfer cluster munitions. This includes import, export, gift, and sale of the weapons. Article 2, paragraph 8 of the convention defines transfer as involving, “in addition to the physical movement of cluster munitions into or from national territory, the transfer of title to and control over cluster munitions, but does not involve the transfer of territory containing cluster munition remnants.” It explicitly excludes the transfer of territory on which abandoned or failed cluster munitions or unexploded submunitions are found.

An exception to the prohibition allows the transfer of cluster munitions to another State Party for the purpose of destruction, as well as for training in clearance and development of destruction techniques, as well as for the development of counter-measure techniques.¹⁹ It is therefore not permissible to transfer cluster munitions to a State not party or to a non-state armed group under any circumstances.

Interoperability and assisting, encouraging or inducing a prohibited activity

The Convention on Cluster Munitions is the first international humanitarian or disarmament law treaty to specifically address problems of interoperability. Interoperability covers situations where military alliances of States are operating together and the legal obligations on these States differ (because, for instance, they are party to different international treaties, or have different understandings of the precise content of customary international law).²⁰

As stated above, it is prohibited to assist, encourage or induce anyone in any way to engage in any activity prohibited under the convention.²¹ Thus, a State Party cannot assist anyone, irrespective of whether or not they are an individual, private company, State or non-State armed group or State not party, to use, develop, produce, stockpile or transfer cluster munitions. This provision must, though, be understood in conjunction with the provisions in Article 21 of the Convention, paragraph 3 of which states that:

“Notwithstanding the provisions of Article 1 of this Convention and in accordance with international law, States Parties, their military personnel or nationals, may engage in military cooperation and operations with States not party to this Convention that might engage in activities prohibited to a State Party.”

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The provision in paragraph 3 is limited by the following:

- “Nothing in paragraph 3 of this Article shall authorise a State Party:
- (a) To develop, produce or otherwise acquire cluster munitions
 - (b) To itself stockpile or transfer cluster munitions
 - (c) To itself use cluster munitions or
 - (d) To expressly request the use of cluster munitions in cases where the choice of munitions used is within its exclusive control”²²

In addition, the States Parties in such an operation are required to discourage the use of cluster munitions by States not party to the Convention.

Upon the adoption of the Convention, the representative of Iceland stated with respect to Article 21 that: “While the article sets out an appeal to States which are not parties to join the regime of the Convention, it recognizes the need for continuing cooperation in what is hoped will be a short transition period. This intention is captured clearly in paragraph 3 of the Article which should not be read as entitling States Parties to avoid their specific obligations under the Convention for this limited purpose. The decision to reinforce this position by listing some examples in paragraph 4 cannot therefore be interpreted to allow departures in other respects.”²⁵

OBLIGATIONS TO DESTROY STOCKPILES OF CLUSTER MUNITIONS

Each State is further required—as soon as possible but not later than eight years after becoming party to the Convention—to destroy stockpiles of cluster munitions that are under both its jurisdiction and its control. The term ‘jurisdiction’ typically covers the whole of the sovereign territory of a State Party (even where the stockpiles may belong to another State); the term ‘control’ may apply extra-territorially, for instance if a State Party occupies territory belonging to another State and gains control of stockpiles of cluster munitions in the process. The formulation, which differs materially from that contained in the Anti-Personnel Mine Ban Convention, means that foreign stockpiles controlled by a State not party to the convention but located on the territory of a State Party may not fall within this requirement.

The destruction of cluster munitions is a complex engineering problem, which often requires remote disassembly because of the initial design of the submunitions. It is therefore a relatively expensive process when compared against the destruction or demilitarization of other conventional ammunition. States should therefore be encouraged to commence their destruction programmes at the earliest opportunity.

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Each State Party undertakes to ensure that destruction methods comply with applicable international standards for protecting public health and the environment.²⁴ For example, the European Union has directives governing the controlled management of hazardous waste.²⁵

The eight-year deadline for stockpile destruction can be extended for an additional four years and further extensions of four years may also be granted in exceptional circumstances.²⁶ As noted above, a limited number of cluster munitions and explosive submunitions can be retained for purposes of training in and development of detection, clearance, destruction techniques, and counter-measures.

OBLIGATIONS TO CLEAR AND DESTROY CLUSTER MUNITION REMNANTS

Each State must also clear territory under its jurisdiction or control of cluster munitions remnants within 10 years of becoming party to the convention.²⁷ Cluster munitions remnants are defined to include the following:

- > failed cluster munitions (where cluster munitions are dropped or fired but a dispenser fails to disperse the submunitions as intended)²⁸
- > abandoned cluster munitions (where unused cluster munitions have been left behind or dumped, and are no longer under the control of the party that left them behind or dumped them)²⁹
- > unexploded submunitions (where submunitions have landed, but have failed to explode as intended),³⁰ and
- > unexploded bomblets (where explosive bomblets have been dropped from a fixed-wing dispenser but have failed to explode as intended).³¹

If, after becoming a State Party, cluster munitions are used in areas under its jurisdiction or control and become cluster munition remnants, the State Party is given up to ten years after the end of active hostilities to complete clearance and destruction operations.³² Where a State that later becomes party to the convention had previously used cluster munitions against another State Party, the State that used the cluster munitions is “strongly encouraged” to provide assistance for the marking, clearance and destruction of such cluster munition remnants, including, where available, information on types and quantities of the cluster munitions used, precise locations of cluster munition strikes, and areas in which cluster munition remnants are known to be located.³³

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In fulfilling its Article 4 clearance and destruction obligations, an affected State Party is obliged to do the following as soon as possible:

- > survey, assess and record the threat, making every effort to identify all contaminated areas under its jurisdiction or control
- > assess and prioritise needs for marking, protection of civilians, clearance and destruction
- > take “all feasible steps” to perimeter-mark, monitor and fence hazardous areas
- > conduct risk reduction education to ensure awareness among civilians living in or around cluster munition contaminated areas of the risks and ways to minimise them
- > take steps to mobilise resources, and
- > develop a national plan, building, where appropriate, upon existing structures, experiences, and methodologies.³⁴

In doing so, each State Party must take into account international standards, including the International Mine Action Standards (IMAS).³⁵

Upon completion of its Article 4 clearance and destruction obligations, a State Party is required to make a declaration of compliance to the next Meeting of States Parties.³⁶ If, however, a State is unable to meet its 10-year deadline for clearance and destruction of cluster munitions remnants, it may request extensions from a Meeting of States Parties or a Review Conference for additional periods of up to five years at a time.³⁷

OBLIGATIONS TO ASSIST VICTIMS AND SURVIVORS

The Convention has the most far-reaching provisions on assistance for victims ever included in a disarmament or humanitarian law treaty.³⁸ Each State Party that has cluster munition victims on its territory or under its control must provide for their medical care and physical rehabilitation, psychological support, and social and economic inclusion.³⁹ In addition, the State must assess domestic needs in these areas and develop plans and mobilise resources to meet them.⁴⁰ The definition of victims under the convention is extremely broad (see Box 1), covering not only those who are killed or injured by cluster munitions, but also families and communities that have suffered socio- economic and other consequences.

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Box 1 | The definition of cluster munitions victims

According to Article 2, paragraph 1:

“Cluster munition victims” means all persons who have been killed or suffered physical or psychological injury, economic loss, social marginalisation or substantial impairment of the realisation of their rights caused by the use of cluster munitions. They include those persons directly impacted by cluster munitions as well as their affected families and communities.

INTERNATIONAL COOPERATION AND ASSISTANCE

Article 6 of the Convention contains detailed provisions related to international cooperation and assistance. This article outlines that each State Party, “in fulfilling its obligations under this Convention”, has certain rights, including “the right to seek and receive assistance”,⁴¹ and “the right to participate in the fullest possible exchange of equipment, material and scientific and technological information concerning the implementation of this Convention”.

Article 6 also indicates that each State Party has certain responsibilities—when “in a position to do so”—to provide assistance for victim assistance, risk reduction education, the clearance of cluster munitions remnants, and the destruction of stockpiled cluster munitions.⁴² In addition, each State Party accepts the responsibility not to “impose undue restrictions on the provision and receipt of clearance and other such equipment and related technological information for humanitarian purposes”.⁴³ Assistance can be provided bilaterally, through regional organisations, or internationally, particularly through the UN. The UN, for example, already supports mine action programmes in more than 40 countries. Assistance can also be given through the ICRC, national Red Cross and Red Crescent societies and their International Federation, and NGOs.⁴⁴

ENTRY INTO FORCE OF THE CONVENTION

The Convention on Cluster Munitions will enter into force on the first day of the sixth month after the 30th State ratifies it. As of 2009, 30 states had signed and ratified the Convention, triggering its entry into force as binding international law on 1 August 2010. Another 76 States had signed but not yet ratified the Convention (see Appendix 5 for a list of ratifications and signatures).⁴⁵ Pending ratification, States that sign the convention must refrain from taking any action that would undermine its object and purpose.⁴⁶ Each State Party is obliged to encourage States not party to adhere to the convention, “with the goal of attracting the adherence of all States”.⁴⁷

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IMPLEMENTATION OF THE CONVENTION

The implementation mechanisms of the Convention on Cluster Munitions are similar to those laid down under the Anti-Personnel Mine Ban Convention. As noted by the ICRC, the adoption of domestic legislation and administrative regulations may be required.⁴⁸ This obligation includes the need to impose penal sanctions to prevent and suppress violations by persons, or on territory, under the State's jurisdiction or control.⁴⁹ To this end, specific domestic legislation may have to be adopted and the regulations governing the armed forces amended.

In the interests of transparency, States are required to report annually to the UN Secretary-General on a range of matters, such as the types and numbers of cluster munitions destroyed, the extent and the location of areas contaminated by cluster munitions, the status of clearance programmes, the measures taken to provide risk education and warnings to civilians, the status of programmes for providing assistance to victims and the measures taken domestically to prevent and suppress violations of the convention.⁵⁰ Reporting on these matters also provides an overview on the status of implementation.⁵¹

In addition, meetings of States Parties will be held regularly to review the effectiveness of the convention. The ICRC believes that such meetings "are an important opportunity to review progress in implementation, discuss best practices and resolve issues related to implementation and compliance."⁵²

In accordance with Article 8, paragraph 1, the States Parties agree to consult and cooperate with each other regarding the implementation of the provisions of the convention and to work together in a spirit of cooperation to facilitate compliance by States Parties with their obligations. Should concerns arise about a State's compliance with the convention, clarification may be sought through the UN Secretary-General.⁵³ If necessary, the issue may be submitted to a Meeting of States Parties, which can adopt procedures or specific mechanisms to clarify the situation and draft a resolution.⁵⁴ In any dispute involving two or more States Parties, efforts shall be made to settle the issue by negotiation or other peaceful means of their choice, such as referring the matter to the International Court of Justice in accordance with the Court's statute.⁵⁵

ENDNOTES

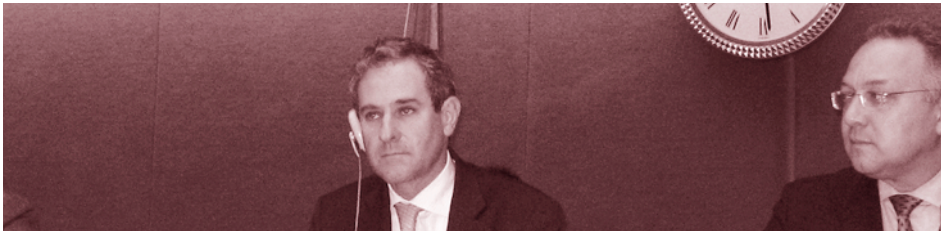
- ¹ Second preambular paragraph, Convention on Cluster Munitions. The third preambular paragraph notes the concern of States Parties that “cluster munition remnants kill or maim civilians, including women and children, obstruct economic and social development, including through the loss of livelihood, impede post-conflict rehabilitation and reconstruction, delay or prevent the return of refugees and internally displaced persons, can negatively impact on national and international peace-building and humanitarian assistance efforts, and have other severe consequences that can persist for many years after use.”
- ² For further detail on the Oslo Process, see, for example, John Borrie, ‘The ‘Long Year’: Emerging International Efforts to Address the Humanitarian Impacts of Cluster Munitions, 2006–2007’, *International Yearbook of Humanitarian Law*, Vol. 10 (2007), T.M.C. Asser Press, Cambridge/Amsterdam, pp. 251–275.
- ³ “Declaration of the Wellington Conference on Cluster Munitions”, available at: www.clusterconvention.org/pages/pages_vi/vic_oslowellington.html.
- ⁴ Article 2, paragraph 2, ‘Convention on Cluster Munitions’.
- ⁵ Article 1, paragraph 2.
- ⁶ Article 2, paragraph 2(c).
- ⁷ See, for example, International Committee of the Red Cross, ‘The Convention on Cluster Munitions’, Fact Sheet, Geneva, November 2008, available at: www.icrc.org.
- ⁸ Article 1, paragraph 3. As noted in Chapter 1, mines were excluded from the definition as they are covered by other instruments of international law.
- ⁹ Article 2, paragraph 2(b).
- ¹⁰ Ibid.
- ¹¹ Article 2, paragraph 2(a).
- ¹² Article 19.
- ¹³ Twelfth preambular paragraph.
- ¹⁴ Human Rights Watch alleges that Hezbollah fired more than 100 Chinese-produced Type-81 122mm cluster munition rockets into northern Israel. See Human Rights Watch, ‘Timeline of Cluster Munition Use’, 13 February 2009, www.hrw.org/sites/default/files/related_material/Son%20of%20Dirty%20Dozen%202.2009.pdf.
- ¹⁵ Article 21, paragraph 3.
- ¹⁶ Article 21, paragraph 4(c) and (d).
- ¹⁷ Article 21, paragraph 2.
- ¹⁸ Article 3, paragraph 6.
- ¹⁹ Article 3, paragraph 7.
- ²⁰ The NATO definition of interoperability is: “The ability of systems, units, or forces to provide services to and accept services from other systems, units, or forces and to use the services so exchanged to enable them to operate effectively together.” See, for example, NATO C3 Technical Architecture Management, Volume 1.
- ²¹ Article 1, paragraph 1(c).
- ²² Article 21, paragraph 4.
- ²³ ‘Statement by the Government of Iceland upon the adoption of the Convention on Cluster Munitions Dublin’, Diplomatic Conference for the Adoption of a Convention on Cluster Munitions, Dublin, 30 May 2008, Conference Doc. CCM/CRP/2 www.clustermunitionsdublin.ie/pdf/CCMCRP2.Icelandicstatementpdf_000.pdf.

ENDNOTES

- ²⁴ Article 3, paragraph 2.
- ²⁵ Directive 2006/12/EC of the European Parliament and of the Council on Waste, 5 April 2006 (Solid Waste). Directive 2000/76/EC of the European Parliament and of the Council on the Incineration of Waste, 4 December 2000 (Emissions to Air). See also <http://europa.eu>.
- ²⁶ Article 3, paragraphs 1–5.
- ²⁷ Article 4, paragraph 1.
- ²⁸ See the definition in Article 2, paragraph 4.
- ²⁹ See the definition in Article 2, paragraph 6.
- ³⁰ See the definition in Article 2, paragraph 5.
- ³¹ See the definition in Article 2, paragraph 15.
- ³² Article 4, paragraph 1(b).
- ³³ Article 4, paragraph 4(a) and (b).
- ³⁴ Article 4, paragraph 2.
- ³⁵ Article 4, paragraph 3.
- ³⁶ Article 4, paragraph 1(c).
- ³⁷ Article 4, paragraphs 5–8.
- ³⁸ See, for example, International Committee of the Red Cross, 'The Convention on Cluster Munitions', Fact Sheet, *op. cit.*
- ³⁹ Article 5, paragraph 1.
- ⁴⁰ Article 5, paragraph 2.
- ⁴¹ Article 6, paragraph 1.
- ⁴² Article 6, paragraph 2.
- ⁴³ Article 6, paragraph 3.
- ⁴⁴ Article 6, paragraph 2.
- ⁴⁵ For details of ratification of the Convention on Cluster Munitions, see, for example, www.unog.ch.
- ⁴⁶ See, for example, International Committee of the Red Cross, 'The Convention on Cluster Munitions', Fact Sheet, *op. cit.*
- ⁴⁷ Article 21, paragraph 1.
- ⁴⁸ See, for example, International Committee of the Red Cross, 'The Convention on Cluster Munitions', Fact Sheet, *op. cit.*
- ⁴⁹ Article 9.
- ⁵⁰ Article 7.
- ⁵¹ ICRC, 'The Convention on Cluster Munitions', Fact Sheet, *op. cit.*
- ⁵² *Ibid.*
- ⁵³ Article 8, paragraph 2.
- ⁵⁴ Article 8, paragraph 3–6; see also ICRC, 'The Convention on Cluster Munitions', Fact Sheet, *op. cit.*
- ⁵⁵ Article 10.

CHAPTER 6

THE CONVENTION ON CERTAIN CONVENTIONAL WEAPONS



THE CONVENTION ON CERTAIN CONVENTIONAL WEAPONS

SUMMARY

The 1980 Convention on Certain Conventional Weapons (CCW) is an instrument of international humanitarian law that regulates the use, and in certain circumstances also the transfer, of specific conventional weapons. In addressing landmines, booby-traps and 'other devices', CCW Protocol II, adopted in 1980, reflected customary law by limiting the use of mines to military objectives. The 1996 Amended Protocol II strengthened, in particular, the rules governing anti-personnel mines, although it did not include the total prohibition that a significant number of States had been supporting. Protocol V, which entered into force on 12 November 2006, allocates responsibilities for the clearance, removal or destruction of explosive remnants of war (ERW), defined as 'unexploded ordnance and abandoned explosive ordnance.' The Protocol also calls for 'all feasible precautions' to be taken to protect civilians from the risks and effects of ERW.

INTRODUCTION

The background to the 1980 Convention on Certain Conventional Weapons (CCW),¹ and the negotiation of Amended Protocol II to the Convention during the First CCW Review Conference, have already been described in Chapter 3. In this chapter, we look at the core provisions in the Convention, particularly Protocol II and Amended Protocol II, and how they are to be implemented by the States Parties.² Finally, the chapter considers the universalisation of the Convention – how widely it has been accepted by States. Appendix 6 contains the text of the CCW, Amended Protocol II and Protocol V, and Appendix 7 lists the States Parties to the CCW, Protocol II, Amended Protocol II and Protocol V.

THE ADOPTION AND ENTRY INTO FORCE OF THE CONVENTION AND PROTOCOLS

The CCW with its original three annexed Protocols³ was adopted by consensus on 10 October 1980 and opened for signature for one year from 10 April 1981.⁴ A total of 51 States signed the Convention, which entered into force on 2 December 1983. As of 13 April 2010, there were 111 States Parties to the Convention. Protocols I (non-detectable fragments), II and III (incendiary weapons) entered also into force on 2 December 1983. Protocol IV (blinding lasers) entered into force on 30 July 1998. Amended Protocol II entered into force on 3 December 1998. Protocol V entered into force on 12 November 2006, six months after its ratification by 20 States Parties to the CCW.

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Becoming a State Party to the Convention

The standard method to become a party to an international treaty is to sign and then ratify it. This is how the majority of States have become party to the Convention on Certain Conventional Weapons. A State becomes party to the Convention six months to the day after it deposits its instrument of ratification with the treaty depositary⁵ – the Secretary-General of the United Nations (UN).⁶

Any State that did not sign the Convention must now accede directly – a one-stop process that has the same effect as signature and ratification all in one. A State that accedes to the treaty also becomes party six months after it deposits its instrument of accession with the Secretary-General of the UN.

The nature of the Convention under international law

The Convention is an instrument of international humanitarian law as it focuses on the use of weapons in situations of armed conflict, although both Amended Protocol II and Protocol IV (on blinding laser weapons) have provisions prohibiting transfer in certain circumstances.

The structure of the CCW – a chapeau Convention and annexed Protocols – is rather unusual. It was drafted in this way to ensure future flexibility – indeed, as mentioned, two protocols have already been adopted since the conclusion of the Convention. Those were Protocol IV in October 1995 and then in November 2003, States adopted Protocol V on Explosive Remnants of War.

THE CORE PROVISIONS OF THE CONVENTION AND THE PROTOCOLS

The application of the Convention and the Protocols

The CCW as a whole, including all the annexed Protocols, applies to **international** (inter-state) **armed conflicts**, including conflicts in which “peoples are fighting against colonial domination and alien occupation and against racist regimes in exercise of their right of self-determination”. In addition, at the Second Review Conference of the Convention in December 2001, States Parties adopted an amendment to Article 1 whereby States may extend the scope of the Convention to include armed conflicts of a non-international character. As of 13 April 2010, 72 States had ratified the amendment to Article 1 of the CCW.

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The 1980 Protocol II applies only in international armed conflicts, unless a State Party has decided to apply it more widely. 1996 Amended Protocol II, on the other hand, also applies specifically to internal armed conflicts, but not to internal disturbances or tensions, such as riots, isolated and sporadic acts of violence and other acts of a similar nature.⁷ It governs all landmines, although there are additional prohibitions or restrictions on certain anti-personnel mines.

It is possible to make reservations to the provisions of the Convention and annexed protocols. According to international treaty law, it is not possible to make a reservation that is incompatible with the object and purpose of the Convention. In contrast, and as mentioned in [Chapter 4](#), the Anti-Personnel Mine Ban Convention does not allow any reservations to its provisions.

The negotiation of 1980 Protocol II

The protocol was negotiated based on a working proposal by France, the Netherlands, and the UK. The agreement was not particularly contentious, although there was some discussion of the need to prohibit remotely-delivered mines. Most of the negotiations were concentrated on incendiary weapons, especially napalm, following the experiences in the Vietnam war.

The provisions of 1980 Protocol II

Definitions

Anti-personnel mines are not defined in the original protocol as all provisions governing mines apply equally to both anti-personnel and anti-vehicle landmines. A mine is defined as “*a munition placed under or on the ground and designed to be exploded by the presence, proximity or contact of a person or vehicle*”.

Remotely-delivered landmines are defined as those “*delivered by artillery, rocket, mortar or similar means or dropped from an aircraft*”.



General rules

In accordance with customary international law (applicable to all States), mines, booby-traps or other devices must not be targeted against civilians or civilian objects, or used indiscriminately. In addition, “*all feasible precautions must be taken to protect civilians from mines. Protocol II only requires parties to the conflict to record all “pre-planned minefields” and to “endeavour to ensure” the*

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recording of all other minefields and mines laid by them. States Parties should “*whenever possible, by mutual agreement*”, “*provide for the release of information concerning the location of minefields, mines and booby-traps, particularly in agreements governing the cessation of hostilities*”.

Specific rules

The use of manually-emplaced mines is prohibited “*in any city, town, village or other area containing a similar concentration of civilians*” unless **la** combat between ground forces is taking place or appears imminent, or **lb** either the mines are placed on or close to a military objective belonging to the enemy, or measures are taken to protect civilians from their effects.

Remotely-delivered mines may only be used “*within an area which is itself a military objective or which contains military objectives*” and must either be recorded or contain an “*effective neutralising mechanism*”. “*Effective advance warning*” must be given of “*any delivery or dropping of remotely delivered mines which may affect the civilian population, unless circumstances do not permit*”.

THE NEGOTIATION OF AMENDED PROTOCOL II

In 1993, following pressure from NGOs and the International Committee of the Red Cross (ICRC) to tackle the growing problem of landmines, France initiated a call for a first review conference of the CCW. A series of four intergovernmental experts meetings took place in 1994 and early 1995 leading to a review conference in Vienna in September - October 1995. The failure to reach an agreement on amendments to the protocol on mines resulted in two further – originally unscheduled – sessions of the conference in Geneva and on 3 May 1996, Amended Protocol II was finally adopted by consensus.

The provisions of Amended Protocol II

The definition of an anti-personnel mine and other weapons

Amended Protocol II defines an anti-personnel mine as a “*mine primarily designed to be exploded by the presence, proximity or contact of a person and that will incapacitate, injure or kill a person*”. The insertion of the word ‘primarily’, which was debated at length, suggests that anti-vehicle mines that can also be detonated by persons, including those equipped with anti-handling devices, are not to be considered anti-personnel mines. Anti-vehicle mines are referred to in the protocol as “*mines other than anti-personnel mines*” and are regulated under its general rules.

A booby-trap is defined as any device designed or adapted to kill or injure, and which functions unexpectedly when a person disturbs or approaches an apparently harmless object (e.g. opens a door). Other devices are manually

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emplaced munitions and devices, including improvised explosive devices, which are designed to kill or injure and which are actuated manually, by remote control or automatically after a lapse of time.

General rules

It is prohibited to use mines that are designed to explode when mine detection equipment is passed over them. In accordance with customary law, mines, booby-traps or other devices must not be targeted against civilians or civilian objects or used indiscriminately. States and other parties to conflict who use such weapons must:

- > remove them following the end of active hostilities
- > take all feasible precautions to protect civilians from their effects
- > give effective advance warning of any emplacement of these weapons that may affect the civilian population
- > maintain records concerning the locations of such weapons, and
- > take measures to protect forces and peacekeeping missions of the UN, ICRC missions and other humanitarian missions against the effects of these weapons.

Specific rules

All anti-personnel mines must be detectable using commonly-available metal detection equipment. This means that 8 grams of metal must be incorporated in the mine.⁸

Manually-emplaced anti-personnel mines must be equipped with self-destruction and self-deactivation mechanisms as specified in the Technical Annex unless they are: placed within a perimeter-marked area monitored by military personnel and protected by fencing or other means, to ensure the effective exclusion of civilians from the area; and cleared before the area is abandoned.

Remotely-delivered anti-personnel mines must both self-destruct and self-deactivate to a combined success rate of 999 in 1,000. Remotely-delivered anti-vehicle mines must, to the extent feasible, be equipped with an effective self-destruction or self-neutralisation mechanism and have a back-up self-deactivation feature.

The transfer of prohibited mines is unlawful. No mine may be transferred to an entity other than a State, and it is prohibited to transfer anti-personnel mines to States that are not bound by the Protocol, unless the recipient State agrees to apply it.

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Booby-traps and other devices may not:

- > take the form of any apparently harmless portable object
- > be used in an area containing a concentration of civilians and in which combat is not taking place, and
- > be attached to or associated with a range of items, including: recognised protective emblems or signs; sick, wounded or dead persons; medical equipment; toys; food or historic monuments.



The implementation of the Protocol

States Parties hold annual meetings to discuss the functioning of the Protocol and submit annual reports. These annual reports are not publicly available without the consent of the State Party. States Parties must also take all appropriate steps, including legislative and other measures, to prevent and suppress violations of the Protocol by persons or on territory under its jurisdiction or control.⁹

THE NEGOTIATION AND THE ENTRY INTO FORCE OF PROTOCOL V

Following two years of negotiations, in November 2003 a meeting of States Parties to the CCW adopted a new protocol: Protocol V on Explosive Remnants of War. The preamble to the Protocol “(recognised) the serious post-conflict humanitarian problems caused by explosive remnants of war.” Protocol V entered into force as new international law on 12 November 2006. As of 13 April 2010, 65 States Parties to the CCW had ratified it (see Appendix 7).

The provisions of Protocol V

Definitions

The Protocol defines explosive remnants of war as covering unexploded ordnance (UXO) and abandoned explosive ordnance (AXO). Article 2, paragraph 2 of CCW Protocol V defines unexploded ordnance as meaning “explosive ordnance that has been primed, fused, armed, or otherwise prepared for use and used in an armed conflict. It may have been fired, can be dropped, launched or projected and should have exploded but failed to do so.” Typical UXO can be a hand grenade, mortar shell, submunition or bomb that has been used but has not detonated as intended. It may remain dangerous. According to Article 2,

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paragraph 3 of CCW Protocol V, AXO means “*explosive ordnance that has not been used during an armed conflict, that has been left behind or dumped by a party to an armed conflict, and which is no longer under control of the party that left it behind or dumped it. Abandoned explosive ordnance may or may not have been primed, fused, armed or otherwise prepared for use.*”

General rules

The Protocol allocates primary responsibility for the clearance, removal or destruction of ERW to the party that is in control of the affected territory¹⁰ and calls for “*all feasible precautions*” to protect civilians from their risks and effects.¹¹ In addition, in cases where the user of explosive ordnance which has become ERW does not exercise control of the affected territory, that party is required, after the cessation of active hostilities, to provide “*where feasible*” technical, financial, material or human resources assistance either bilaterally or through a mutually agreed third party. Further, under Article 8 of the Protocol, each State Party “*in a position to do so*” is required to provide assistance for the marking and clearance, removal or destruction of explosive remnants of war, and for risk education to civilian populations and related activities. The principal obligations under the protocol do not, however, cover ERW existing on the territory of a State before it became a party to Protocol V.

Specific rules

Among the measures laid down by the Protocol that would help alleviate the humanitarian impact of ERW are specific obligations on recording, retaining and transmission of information, which is critical for effective mine action. Thus, States Parties and parties to an armed conflict “*shall to the maximum extent possible and as far as practicable record and retain information on the use of explosive ordnance or abandonment of explosive ordnance.*”¹²

These obligations are supplemented by a non-legally-binding technical annex, which stipulates that regarding explosive ordnance which may have become UXO, a State should endeavour to record the following information as accurately as possible:

- > the location of areas targeted using explosive ordnance
- > the approximate number of explosive ordnance used in the areas targeted
- > the type and nature of explosive ordnance used in areas targeted, and
- > the general location of known and probable UXO.

Where a State has been obliged to abandon explosive ordnance in the course of operations, it should endeavour to leave AXO in a safe and secure manner and record information on this ordnance as follows:

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- > the location of AXO
- > the approximate amount of AXO at each specific site, and
- > the types of AXO at each specific site.¹³



The implementation of Protocol V

At the Third Review Conference of the CCW in November 2006, States Parties decided to convene annual Conferences of States Parties to Protocol V, beginning in 2007.

NEGOTIATIONS WITHIN THE CCW ON CLUSTER MUNITIONS

In November 2006, at the Third Review Conference of the CCW, States Parties decided to convene in June 2007, “as a matter of urgency”, an inter-sessional meeting of governmental experts to consider further the application and implementation of existing international humanitarian law to specific munitions that may cause explosive remnants of war, with a “particular focus on cluster munitions.”

As a result of the meeting in June, the governmental experts decided to recommend to the 2007 Meeting of States Parties to the CCW to determine how best to address the humanitarian impact of cluster munitions, “including the possibility of a new instrument.” The meeting of States Parties was held in Geneva in November 2007. It decided to establish a Group of Governmental Experts that would meet to consider the issue further.

In 2008, the Group of Governmental Experts met five times (in January, April, July, September and November, but did not achieve consensus on how to proceed. The 2008 Meeting of States Parties to the CCW decided that the Group of Governmental Experts would meet for up to two weeks in 2009, from 16 to 20 February and then, if required, from 14 to 17 April. The Group, which was to be supported by military and technical experts, was expected to make every effort to conclude its negotiations as rapidly as possible and to report to the 2009 Meeting of States Parties to the CCW.¹⁴

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On 20 February 2009, just prior to the close of the meeting, the chair of the Group of Governmental Experts, Ambassador Gustavo Ainchil of Argentina, proposed a draft text on cluster munitions to the States Parties. At the April session, further progress was made towards a draft protocol, although it fell far short of the aspirations of States supporting the Convention on Cluster Munitions, with a prolonged transition period for the prohibition of any existing weapons. Certain major users of cluster munitions, such as Israel, the Russian Federation and the USA, claimed that the current text represented a good basis for negotiation, and suggested that it would affect more than 85 per cent of existing global stockpiles of cluster munitions. At the opening of the April session, the Czech Republic, on behalf of the European Union, stated that:

“As several High Contracting Parties are not yet in a position to join the CCM (Convention on Cluster Munitions), the EU is convinced that concluding in the framework of CCW a complementary agreement, compatible with the CCM, would significantly contribute to addressing the humanitarian impact of cluster munitions.”¹⁵

Further meetings of the group of governmental experts on cluster munitions took place, again in Geneva, in 2009 and 2010. As of going to press, the outcome of the negotiations was not known.

REVIEW CONFERENCES AND MEETINGS OF STATES PARTIES

The First CCW Review Conference was held in 1995-1996 and the Second CCW Review Conference was held in Geneva in December 2001. The Third CCW Review Conference, which was held in November 2006, again in Geneva, decided to establish a Sponsorship Programme – to be managed by the GICHD – to promote the attendance and participation of developing nations in the work of the Convention. Review conferences and meetings of States Parties are convened by the United Nations.

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Universalisation of the Convention

As of 13 April 2010, there were 93 States Parties to 1980 Protocol II and 93 States Parties to 1996 Amended Protocol II. Most major military powers that are not bound by the Anti-Personnel Mine Ban Convention are States Parties to the CCW, including China, India, Israel, Pakistan, the Russian Federation and the United States. All of these are party to 1996 Amended Protocol II.

At the Third CCW Review Conference, States Parties also adopted a Compliance mechanism and an Universalisation Action Plan for the Convention and its five annexed protocols.

ENDNOTES

- ¹ As was seen in Chapter 3, the full title of the instrument is the **United Nations Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects**. The simplified formulations, Convention on Certain Conventional Weapons or CCW, which have no formal legal status, are used in this work for the sake of brevity.
- ² A country that is formally and legally bound by the provisions of the Convention is referred to as a State Party or High Contracting Party.
- ³ **Protocol on Non-Detectable Fragments** (Protocol I); **Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices** (Protocol II); and **Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons** (Protocol III).
- ⁴ Article 3, Convention on Certain Conventional Weapons.
- ⁵ Article 5, Convention on Certain Conventional Weapons.
- ⁶ Article 10, Convention on Certain Conventional Weapons.
- ⁷ Article 1, paragraph 2, 1996 Amended Protocol II.
- ⁸ Article 4 and the Technical Annex, 1996 Amended Protocol II.
- ⁹ Article 14, 1996 Amended Protocol II.
- ¹⁰ Article 3, paragraphs 1 and 2, CCW Protocol V.
- ¹¹ Article 5, paragraph 1, CCW Protocol V.
- ¹² Article 8, paragraph 1, CCW Protocol V.
- ¹³ Article 1(a), Technical Annex to CCW Protocol V.
- ¹⁴ See United Nations Office in Geneva, 'GGE sessions in 2009', accessed at: [www.onug.ch/80256EE600585943/\(httpPages\)/E70D9C25C860887DC12575280048EC9B?OpenDocument](http://www.onug.ch/80256EE600585943/(httpPages)/E70D9C25C860887DC12575280048EC9B?OpenDocument).
- ¹⁵ Opening statement by H.E. Ambassador Tomáš Husák, Permanent Representative of the Czech Republic to the United Nations Office in Geneva on behalf of the European Union, Geneva, 14 April 2009, to the Meeting of the GGE of the High Contracting Parties to the CCW, Geneva, 14–17 April 2009.

CHAPTER 7

DEMINING



DEMINING

SUMMARY

Demining covers the range of activities which lead to the removal of the threat from landmines and explosive remnants of war. These include non-technical and technical survey, mapping, marking, clearance, post-clearance documentation, and the handover of cleared or otherwise released land. The trend over the past few years has been to group all those processes – non-technical survey, technical survey and clearance – under the term ‘land release’.

Physical clearance is only one part of the demining process, but it is the most costly part. Mine action has developed a toolkit approach to mine and other ERW clearance, using and combining, as appropriate, manual deminers, mine detection animals and mechanical demining equipment, such as vegetation cutters, tillers and flails and other appropriate assets. Explosive ordnance disposal and battle area clearance rely primarily on specialist personnel to render safe or destroy explosive remnants of war.

INTRODUCTION

This chapter looks at **demining** and recent developments in defining the land release concept. Many affected States, whether or not they are party to the main international instruments governing landmines, cluster munitions and other explosive remnants of war (ERW), have sought outside assistance to address the contamination on their territory and return land safely to the civilian population. At the forefront of this international effort have been the UN, international and indigenous NGOs, local and visiting militaries, and commercial companies.

The first section of the chapter describes the international definition of land release. The chapter then describes the various types of assessment and survey that support release of land or, where contamination is confirmed, tasking and prioritisation of clearance operations. This is followed by an overview of the different techniques for carrying out mine and other ERW clearance. This includes the requirement for quality control and assurance and the definitions of battle area clearance and explosive ordnance disposal. Finally, the chapter considers the international legal framework for land release.

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WHAT IS LAND RELEASE?

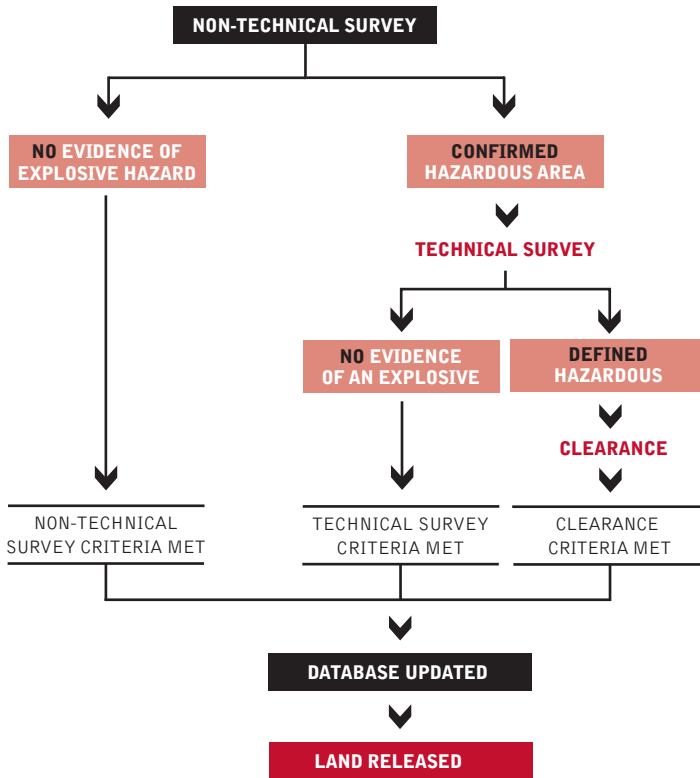
The International Mine Action Standards (IMAS) define the term **land release** as “the process of applying all reasonable effort to identify or better define **Confirmed Hazardous Area (CHA)**¹ and remove all suspicion of mines/ERW through non technical survey, technical survey and clearance using an evidence based and documented approach.”² As the IMAS notes: “on some occasions, land has been subjected to full clearance unnecessarily.”³ Indeed, according to one calculation, on average less than 3% of cleared land has contained mines or UXO.⁴ That represents a staggering rate of inefficiency for a national demining programme, and a huge waste of resources.

In part, land release is a recognition that some surveys have led to excessive estimates of Suspected Hazardous Areas (SHAs).⁵ There is also now a better understanding that an array of tools short of full clearance enables SHAs to be addressed efficiently and with a high degree of safety for both programme personnel and the intended beneficiaries. These tools and techniques include better information gathering and verification, and greater use of high-quality non-technical⁶ and technical survey.⁷

The IMAS on land release describes the approach as “an evidence-based information assessment process that can help determine with confidence which land needs to be cleared and which does not.”⁸ The term ‘**Defined Hazardous Area**’ (DHA) refers to “an area, generally within a CHA, that requires full clearance. A DHA is normally identified through thorough survey.”⁹ Thus, an SHA should be subjected to non-technical survey to either confirm or discredit suspicions of the presence of mines. If no—or possibly scant¹⁰—evidence is found, the land is released. If, on the other hand, evidence for contamination is found, the area is normally defined as a CHA¹¹ (in the context of the APMBC, this would constitute a ‘**known mined area**’) and is then subjected to technical survey. Technical survey then reduces the CHA to a DHA, which is then subjected to full clearance.¹² All stages of the land release process must be carefully documented.



Minefield warning | Lebanon



The process of releasing land is an evidence-based information assessment process that can help determine with confidence which land needs to be cleared and which does not. The following principles should apply when developing a national land release process.

- a. **Claim** Land can only be released from a past suspicion (or claim) of mines/ERW if there has been a legitimate claim in an area. Previously recorded SHA may not have been created from legitimate claims and a SHA is often created because there was too little evidence available to conclude definitively that there are no mines. A CHA should only be created if there is evidence of mines/ERW.

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- b. **Fear** People's fear of mines/ERW is not on its own a legitimate, evidence-based claim of explosive hazard. Fear needs to be substantiated with other evidence.
- c. **Default** Inaccessible areas, or areas with limited information available, should not by default be recorded as CHA. CHA should only be recorded in a database when there is sufficient evidence available.
- d. **Graduated response** To ensure efficient removal of suspicion or release of land a graduated response should be undertaken when addressing CHA. The process will generally follow sequentially through the activities of non-technical survey, technical survey and clearance until at some stage in the process the suspicion that the area may contain explosive hazards is removed by either obtaining sufficient information to confidently remove the suspicion, or by removing the suspicion through adequate clearance. There may be occasions where sufficient information exists to make a technical survey unnecessary and an operator may progress directly to clearance.
- e. **Clearance** If the process has been followed correctly, the area remaining for clearance will be better defined, thereby resulting in more efficient use of demining resources. Clearance itself is an information gathering process which will lead to the hazardous area being fully defined. IMAS 09.10 specifies the requirements for clearance.
- f. **Credibility/documentation** Land should only be released when it is deemed safe to use after a credible and well-documented process has been fully implemented.
- g. **Community involvement** Local participation should be fully incorporated into the main stages of the process of releasing land in order to ensure that it will be appropriately used after release.
- h. **Low Impact** A CHA assessed as having a low impact on a community should not be released based on lack of impact. It may however be given a low priority.
- i. **ERW** Land can be released from the suspicion of mines while there may still be a suspicion of other ERW. Additional measures may be required to establish confidently that land is free from both mines and ERW.

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ASSESSMENT AND SURVEY

The first step in planning effective land release operations in a new mine action programme is typically to initiate a General Mine Action Assessment (GMAA).¹³ As the relevant IMAS points out, the GMAA is “*the continuous process by which a comprehensive inventory can be obtained of all reported and/or suspected locations of mine or UXO contamination, the quantities and types of explosive hazards, and information on local soil characteristics, vegetation and climate; and assessment of the scale and impact of the landmine problem on the individual, community and country*”.¹⁴ Such an assessment largely uses secondary sources, for instance, existing information provided by agencies and organisations familiar with the area and the contamination.

An assessment mission can be used to validate and update existing information, and to determine at first hand the scale and impact of the landmine situation. If undertaken by the United Nations, the country assessment can determine whether a UN-supported national mine action programme is required, whether such a programme is possible or what other action is required. It may also define the scope of additional information gathering requirements. A ‘general’ survey of contamination may follow: the primary aim of such a survey is to identify the location of suspected hazardous areas across the country and the type of contamination they contain.

Impact surveys

Beyond a general survey, and in order to obtain a much better picture of how contamination is affecting the lives and well-being of the civilian population, many countries have conducted a national or provincial survey of the socio-economic impact of mines and ERW impact on communities. One well-known such survey is the Landmine Impact Survey (LIS). A complete LIS, which typically takes one year or more to complete, aims to provide a detailed and reliable report of the impact of mine and ERW-contaminated areas on local communities.

Several States have relied on LIS reports as a baseline for understanding the approximate size and location of areas suspected to contain anti-personnel mines. Understanding the limitations of past LIS efforts should greatly aid States in more effectively carrying out efforts to localise and better understand their landmine challenges.

Preliminary opinion collection, which normally takes place over several weeks in-country, helps to narrow down the areas and communities to be surveyed. Visits to local communities narrow (or expand) the list further. The community survey process uses specially trained teams to gather demographic, contamination, social and economic data in every community suspected to be affected.

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Using a scoring system that is adopted in-country using national input to take account of local conditions, a priority listing classifies communities as having heavy, medium, low or nil mine or ERW impact. Sampling is then conducted for false negatives and additional community surveys conducted as necessary. The results of the survey are typically entered into the Information Management System for Mine Action (IMSMA) database for the country. IMSMA is described in [Chapter 14](#).

The criticism of some impact surveys is that they can generate a high number of ‘false positives’ – reports of areas as hazardous when in fact they contain no explosive contaminants at all. Moreover, where they seek to calculate the size of suspected hazardous areas (SHAs) purely on the basis of local opinion, this can result in greatly exaggerated estimates of contamination. These can waste precious resources and also hinder resource mobilisation efforts, as the scale and extent of the problem is perceived by donors to be too vast to be effectively addressed.

Non-technical survey

Non-technical survey is a thorough investigation of new or previously recorded hazardous areas. A non-technical survey should be the starting point for recording hazardous areas as CHA. However, experience in many mine action programmes where there is already a database of suspected hazardous areas (SHA) indicates that a large number of SHA and large areas of many SHA are, in fact, hazard free when cleared. As a result stakeholders are increasingly aware of the requirement to eliminate the “suspicion” from these SHA using methods other than the commitment of limited clearance resources. One way suspicion can be removed is through the process of collecting and analysing existing and new information regarding a claim. Ideally, through proper non-technical survey procedures in the initial gathering of information, only confirmed and accurate information is recorded in databases and clearance can be focused on to accurately defined areas.

Technical survey and area reduction

A physical intrusive process into a hazardous area may provide enough information to allow an informed assessment of the clearance needs. This process is known as a technical survey and although it may be a separate activity, it is often integrated with clearance and can be undertaken before, during and even after clearance. In many cases however, it is only after technical survey and clearance are completed that the true nature and extent of mine/ERW contamination can be fully understood.

When sufficient information is available and non-technical survey is carried out well, technical survey may not be necessary before clearance. Where it is required, technical survey may confirm the presence of mines or ERW leading to the location of one or more Defined Hazardous Areas (DHAs).

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Alternatively, technical survey may add to the confidence that there are no hazards leading to some, or all, of the land being released without the necessity for clearance.

Technical survey will not always be able to release land. In areas where randomly positioned hazards are expected, surveying a small percentage of these areas may not be appropriate. In such cases, while the survey may be able to demonstrate the presence of hazards and may give an indication of densities, it fails to provide sufficient confidence to justify the release of the land outside the sampled area.

Where the non-technical survey has indicated the presence of hazards in an unpredictable pattern, it may be appropriate to apply technical survey methods that provide full coverage over selected areas. If the outcome from such technical surveys is that no hazards are found, land release may be justified in some or all of the area when the combined data from non-technical and technical surveys provide sufficient confidence that no hazards are present.

Where survey finds evidence of hazards, however, subsequent clearance of the entire area may be required. Technical survey can be an important component of the land release process and can provide important information to improve planning of clearance tasks where hazards are identified. An output of a technical survey may also include perimeter marking.¹⁵

MINE CLEARANCE

Basic principles

The aim of mine clearance is the identification, and then removal or destruction of all mine and other explosive hazards from a defined area to a specified depth. The managers of demining programmes must aim to make cleared land 100 per cent safe for their use. This requires management systems and clearance procedures which are appropriate, effective, efficient and safe. The local community should also receive regular briefings and explanations during the clearance operation from the demining organisation; this acts as a very effective confidence-building measure. Community mine action liaison is an integral part of the demining process and can be achieved by the services of a mine risk education team or by suitably-trained members of the demining organisation.

Within mine action, deminers often talk of a 'toolkit' approach to mine clearance for humanitarian purposes. This is typically composed of three elements: manual mine clearance, mine detection animals (dogs and rats),

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and mechanical mine action systems. Most landmines and ERW are still cleared manually, although machines and animals are playing an ever-increasing role in demining operations. In addition to the nature and extent of the munition threat, logistics, infrastructure, security, national legislation and practices, and terrain will all be factors in determining which demining techniques are best used and in which combinations. The three tools in the demining toolkit are now discussed in turn.

Manual mine clearance

Overall, manual mine clearance has changed little since the 1939–1945 War. Techniques still rely on a deminer going along a lane using a metal detector or prodder until he or she encounters a suspicious object. The deminer then carefully excavates the object and, if a mine or item of explosive ordnance is uncovered, it is either blown up in situ or defused and moved for destruction at the end of the day. Average rates of clearance appear to be in the region of 15 to 20 square metres per deminer per day.¹⁶

The metal-cased mines of the 1940s period were comparatively easily detected by the metal detectors of the day, although the detectors were often heavy, cumbersome, insensitive, uncomfortable to use and unreliable. With the increasing use of plastics in mine construction, the metal component of the mine decreased sharply. Soon the metal components were confined to the firing pin and spring, and parts of the arming mechanism. To match the decreasing metal content, modern detectors have increased in sensitivity and, with the high usage found in mine clearance, detectors have also improved in lightness, reliability and ease of use.

Unfortunately, as sensitivity has increased so has the susceptibility of metal detectors to false alarms from small fragments of metal in the ground, sometimes splinters from exploded shells or rocket warheads, or food and beverage cans. Sensitivity is also increased to metallic compounds in certain soils, such as laterite, a common road-making material in South-East Asia and Africa. Despite these limitations, metal detectors remain the most commonly used form of detectors and considerable improvements in their design continue to be made. There are various types of metal detector, all of which are based on electromagnetic induction. Modern metal detectors have an increased sensitivity towards metal objects and the ability to discriminate between these objects and metallic compounds in the soil. While these features are important, it is equally important that detectors are practical to use and recharge as well as being durable, easy to repair and requiring little maintenance.

A 2005 GICHD study on manual mine clearance concluded that to improve the efficiency of manual mine clearance using a metal detector, the main area for improvement is the speed with which metal fragments can be identified

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and removed.¹⁷ Thus, it reiterated a finding of field trials conducted for an earlier study whereby: “in a heavily fragmented area, the most efficient method of clearance among eight different options was using a metal detector and a magnetic brush-rake.”¹⁸ The study also showed that the efficiency of clearance can be significantly improved by applying alternative deployment procedures to the ones most commonly in use today. For details of the most effective mine detectors currently in use, see for instance the GICHD publication *Detectors and Personal Protective Equipment Catalogue 2009*.

The demining prodder, still in use as the final physical check of the presence of the mine, has gone through some development, but in most areas remains in its basic form. Prodders were conceived as simple, cheap and effective tools. Prodders have been made from many materials, from expensive plastics down to small gauge reinforcing bar retrieved from damaged buildings. Most demining organisations have replaced prodding with excavation tools and the prodder is therefore in less use today than some five years back.

The disadvantages of the prodder are its increased cost as it has increased in sophistication, and the fact that it brings the hands and sometimes the face of the operator close to the mine. In some theatres, the rocky areas demand that the prodders are stiff, to pierce through stony soil, and short military bayonets have been used, which has led to incidents of injuries to hands and eyes. Prodders can also become hazardous to use against mines equipped with an anti-disturbance fuse. Another disadvantage of the prodder is that to engage the side of the mine, it has to be inserted at a shallow angle, usually about 30° to the ground. Since many prodders are around 30cm in length, this means that they cannot penetrate the ground more than about 10-14cm in depth. In many cases, anti-personnel mines are buried at about this depth or less, while anti-vehicle mines are 10cm deeper. To insert the prodder at a steeper angle may risk impacting the top cover or actuating surface of the mine, which in the case of the anti-personnel mine might cause it to detonate. Mines can also rotate in the ground due to soil movement, so that the top face of the mine can end up being hit by the prodder. In the same way, mines in the ‘windrow’ of soil produced by a mine plough can be at any orientation, which makes detection by prodding potentially hazardous.

Based on an analysis of available data, the clearance method most likely to involve an accident to the deminer performing it is prodding from the surface of the ground. Despite these shortcomings, the mine prodder is likely to remain a useful tool for the mine and munition clearer for many years to come, although it is often being replaced by manual excavation using a small trowel or spade. This is generally regarded as being faster and safer.

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It is fairly straightforward to train manual demining teams and highly academically qualified personnel are generally not required. Where labour costs are low, manual deminers can be very cost-effective. Manual mine clearance is especially suitable when the clearance task at hand is of a minefield in which mines have been laid according to military standards, marked and fenced. Thick vegetation or clearance of urban areas will significantly slow manual deminers, so the other demining options may have to be considered.

A GICHD sub-study on the management of manual mine clearance, published in 2005, concluded that the main areas for improvement were not at the individual deminer level, but at middle and senior management levels, where a significant waste of time and resources was observed. These include the management of minefield clearance sites and the decision-making associated with designated areas for clearance.

Mine detection animals

Animals have a keen sense of smell. Their powers of scent detection exceed that of humans by many orders of magnitude. A human may be able to detect one part of contaminant in ten thousand (1 in 10^4), and some gas chromatographs may be able to detect down to one part in one thousand billion (1 in 10^{12}) but dogs and rats are estimated to be able to detect to 1 in 10^{15} or less.



The animal most commonly used for mine detection is the dog, mainly because of its ability to work in conjunction with humans. Rats have, however, also been trained for humanitarian demining but have been deployed in only one country so far. Dogs and rats can be trained to detect odours from specific vapours, specifically the explosive contents of landmines. Dogs have been used for tracking and hunting for centuries, and for the detection of landmines since the 1939–1945 War. Animals indicate the presence of a mine to their handler, who will then pass on responsibility for clearance to a deminer.



Animal detection can be applied in many different demining roles. Animals can also detect mines with a low metal content and mines buried in areas with a high metal contamination or background. Dogs and rats can therefore be extremely useful for mine detection. For that reason, mine dog detection has rapidly become the second most common mine clearance approach, and today more than 25 organisations use mine detection dogs (MDDs) worldwide.

Animal detection can be faster and more cost-effective than manual demining if implemented correctly and improvements of between 200 and 700 per cent have been quoted, depending on environmental conditions, type of tasks and operational concept of each organisation. Dogs are at their best when indicating individual mines or minefield boundaries, rather than concentrations of mines. As such they are best for activities such as the following:

- > area reduction and delineation of minefield boundaries
- > mine and ERW verification
- > clearance of roads and road verges
- > clearance verification, including the rapid sampling of cleared areas, which can be done behind both manual and mechanical demining
- > battle area clearance verification
- > the elimination of pockets of land unreachable to mechanical clearance devices
- > clearance of railways and sites with heavy metal contamination, and
- > creation of safe lanes for clearance start points.

On the other hand, since dogs have very specific uses in demining operations they demand long training and qualified personnel. It can be a some time before an effective – and efficient – MDD capacity is established in a mine or ERW-affected country. In a dense minefield, or in areas of thick vegetation, dogs will be less effective than manual deminers. And in hot weather, the working time of dogs will be limited. Although dogs cannot replace manual deminers, they can be a powerful tool when used in combination with manual and mechanical clearance, and can often have a large potential within demining operations.

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Dogs and rats can also be used in a system called Remote Explosive Scent Tracing (REST). The basic principle of REST is to collect dust or air samples from mine suspected areas or along roads in filters, which are later presented to specially trained animals for analysis. If a filter is presented to several animals in succession and none of them indicate the presence of mine or other ERW, the sector from which the sample was taken will no longer be classified as suspect. On roads, this can typically amount to 90 per cent of the road length.



Mine Detection Dog | Angola

REST has been used by a few organisations for more than ten years and mainly for road verification. While often forgotten when discussing demining because so few demining organisations use REST, it remains a fact that REST is responsible for a major part of all worldwide road mine verification. The UN has relied on the use of REST in support of many of their mine action programmes, in countries like Afghanistan, Angola, Mozambique, and Sudan. One reason why REST is limited to a few organisations may be that the system is complex and it is difficult to prove the quality of the process. REST is sometimes also referred to as Mechem Explosive and Drug Detection System (MEDDS) after the organisation that first pioneered the system.

Mechanical demining

Machines have not been fully accepted among deminers as a tool of equal reliability for full clearance to the two mainstays of clearance methodology: manual deminers and MDD teams. Nonetheless, an increasing number of mechanical devices have been produced to detonate, destroy or isolate mines. Early machines were often unwieldy, unreliable and under-powered, and the clearance achieved fell below the minimum UN requirement, unless they were part of an integrated manual-mechanical procedure. At present, where such machines are used, their operation is usually confined to the reduction of risk by the removal of vegetation and tripwire-operated mines, and some mine destruction as part of area reduction.

In early 2004, the GICHD published a study of mechanical mine clearance equipment, looking at its efficiency, productivity and cost-effectiveness.¹⁹ It concluded that, given suitable conditions, machines can be used as the primary clearance system. This conclusion was based on a careful examination of clearance data of certain machines used for ground preparation; this data showed that

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Light flail machines | Azerbaijan

after the passage of machines manual deminers and MDD teams found no live items of ordnance in areas known to have previously contained them.

Deminers who use mechanical systems have a good idea as to the most appropriate environments in which their machines might achieve clearance to humanitarian standards, but national demining authorities are still reluctant to accept that machines form the primary clearance method. The lack of precedents creates a lack of confidence.

An exception to the general reticence to apply machines as the primary clearance method is mechanical excavation with converted commercial earth-movers. These machines remove potentially contaminated soil down to a depth suggested by survey information. It is undisputed that areas treated in this way are free of ordnance down to the depth excavated. This technique represents the only current example of machines being employed as the primary clearance tool, but the practice is not widespread because it is slower than other mechanical systems and may cause serious erosion in some areas.

In sum, under the right circumstances, machines can be extremely cost-effective components in a demining programme and are particularly useful not only for area reduction and verification of clearance, but also as a primary clearance method. There must, though, be appropriate infrastructure (roads and bridges) and the availability of spare parts and low-loaders to transport heavy mechanical equipment will influence any decision to use machines. In general, machine clearance, is not appropriate for mountainous terrain. Finally, anti-tank mines and large items of explosive ordnance will damage or even destroy all but the heaviest and best-protected demining machines, so it is essential during surveys to identify the type of ordnance to be encountered in clearance operations.

OTHER DEMINING TECHNOLOGIES

In addition to the three main tools in the demining toolkit, there are a number of other demining technologies being used, researched or under development. For more details of the status of specific technologies and systems, see GICHD's *Guidebook on Detection Technologies and Systems for Humanitarian Demining*.²⁰

Ground penetrating radar

Ground Penetrating Radar (GPR)²¹ has come into use over the last 20 years in civil engineering, geology and archaeology, for the detection of buried objects and soil study. The detection of buried landmines has also been a subject of considerable interest, in particular due to radar's potential for the detection of plastic-cased mines which contain little or no metal. Today, a large number of organisations are working on different parts of GPR systems, and – among all the sensors proposed for demining – GPR has had by far the greatest research funding and effort dedicated to it.

Ground penetrating radar (GPR) consists of a transmitter, which sends a pulse of energy or a continuous wave at certain given range of frequencies and is matched to a receiver, which takes in the reflected radar signals. The radar energy passes through the ground and is reflected back, at different speeds, depending on the material through which the radar energy is passing. GPR systems usually operate in the microwave region, from several hundred MHz to several GHz.²² If the radar detects a sub-ground object of a different material,²³ the object can be detected. This means that plastic or totally non-metallic objects can be detected by GPR.

What particularly matters for the detection of objects in a background medium, eg mines buried in soil, is the difference between the electromagnetic properties of the target (in particular its dielectric constant) and those of the background (the GPR works as a target-soil electrical contrast sensor). The amount of energy reflected, upon which reliable detection is based, also depends on the object's size and form. Spatial resolution²⁴ depends on the frequency used, and the resolution needed to cope with the smaller anti-personnel landmines requires the use of high frequency bands (up to a few GHz). These higher frequencies are, however, particularly limited in penetration depth.

Unfortunately, despite being the most likely technology to be fielded by the end of the 1990s, GPR detectors are only just becoming available for the use in the field. The problems surrounding their development have been more difficult than was originally thought. GPR has proven to have too many limitations to offer an advantage when used in isolation. However, three systems combining GPR with metal detection (in one handheld unit) have now been developed and deployed in some programmes. Field tests have

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shown that if the GPR is used as a confirmation tool when the metal detector is giving a reading, the number of false alarms from the metal detector can be significantly reduced, which will speed up the manual mine clearance process. Despite the significant improvements already achieved, combined metal/GPR detectors have not yet found a significant market in the humanitarian mine clearance scene, largely due to the costs involved.

Detecting explosive vapours

Another way of detecting mines is by detecting their smell. There are two ways in which explosive vapour can be detected: first by taking the detector to the source of the scent, and second by taking the scent to the detector. There are currently two main methods under development for detecting explosive vapours: chemical sensors, and animals or insects.

Chemical analysis detectors

There are a number of chemical analysis techniques in existence but the method showing the greatest practicability and resolution is that of gas chromatography. In this method, a sample in the form of gas or liquid is moved by a carrier gas along a column containing on its inner surfaces a chemical liquid in a solid supporting structure. The various components of the sample interact with the chemical liquid. The components of the sample are detected when they emerge from the column. The time they have taken to move down the column varies according to their chemical nature, thus discriminating between them and identifying them. The components are then detected in a way that measures their relative quantity, so the final readout can separate the sample's component parts and identify its chemical composition and quantity.

Most gas chromatographs are more suited for laboratory use than field use, as they are large, delicate and require reliable supplies of electricity and gases. They could be built into a mobile laboratory, which then could be taken into the field where vapour samples could be brought for analysis, requiring use of remote explosive scent tracing or mine detection dogs.

Animal detection

The Belgian APOPO project has looked into the use of rats for explosive detection. Early experience with African pouched rats showed that they could be sociable, easily trained, and that their ability to detect specific odours was possibly as good as, or better than, that of the dog. The APOPO project is still ongoing in Tanzania and Mozambique, and the results are encouraging. Rats can breed quickly and successive generations become increasingly tolerant to humans and easier to train. Basic training can be carried out in small multi-choice cages (Skinner boxes) and results can be

collected directly by computer, so that identifying the better rats becomes a quick and effective process. Experiments have also been carried out with insects such as flies or bees. While the insects may be bred to have excellent detection capability and sensitivity, how they can be used repeatedly in the field has not yet been specified.

QUALITY MANAGEMENT OF MINE CLEARANCE OPERATIONS

Whatever method is used to detect and clear mines and ERW, the quality of clearance must be effectively assured. According to the IMAS, this is done through a two-stage approach. Stage 1 quality assurance (QA) involves the accreditation and monitoring of the demining organisation before and during the clearance process. To achieve this, demining organisations need to establish an effective management organisation, develop and maintain procedures, and apply these procedures in a safe, effective and efficient manner. The purpose of QA in demining is to confirm that management practices and operational procedures for demining are appropriate, are being applied, and will achieve the stated requirement in a safe, effective and efficient manner. Internal QA will be conducted by demining organisations themselves, but external inspections by an external monitoring body should also be conducted.

Stage 2 quality control (QC) involves the process of an inspection of cleared land before it is formally released to the beneficiaries for use. It is intended to provide additional confidence that the land is free of explosive contamination, for example through sampling of part of the demined area using manual deminers, MDDs or machines.

This combined application of quality assurance (before and during the clearance process) with post-clearance quality control will contribute to achieving an acceptable level of confidence that the land is safe for its intended use. The quality of clearance must be acceptable to both the national mine action authority and the local community that benefits, and needs to be measurable and verifiable.

Handover of cleared land

Once land has been cleared of all mines and other ERW, there is usually an urgent need to make it available for productive use without delay. In some cases the local population will occupy land immediately following clearance in order to confirm ownership by re-establishing historic land rights. Also, at the end of a project, the demining organisation will be keen to re-deploy its demining teams to new sites requiring urgent clearance.

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Despite the pressure to move on, a number of important issues must be addressed and tasks completed before the land can be considered formally 'cleared' and available for use. In particular, all post-clearance inspections should be completed and any corrective action carried out; permanent survey markers should be emplaced and accurately recorded for future reference; and all necessary information (such as monitoring and inspection reports) should be collated and made available for the formal handover. The demining organisation or its nominated community liaison representative (*see the following chapter on mine/ERW risk education for details of community liaison*) must ensure that the mine-affected community is fully aware of all demining activities in the area and the implications for the community.

EXPLOSIVE ORDNANCE DISPOSAL AND BATTLE AREA CLEARANCE

Explosive ordnance disposal (EOD) operations involve the detection, identification, field evaluation, render-safe, recovery and disposal of explosive ordnance. EOD may be undertaken as a routine part of mine clearance operations following the discovery of UXO in or near mined areas. EOD operations may also be undertaken to dispose of UXO discovered outside mined areas. Such operations may involve a single item of UXO or a number of items of UXO at a specified location, such as a mortar or artillery gun position. It may also involve a stockpile of ammunition left in a bunker or an ammunition point – abandoned explosive ordnance (AXO).

Battle area clearance (BAC) is the systematic and controlled clearance of explosive remnants of war from hazardous areas in a former combat zone where the threat is known not to contain mines. Most ERW found during demining are small items, such as submunitions, grenades and mortar ammunition which have been fired but have not exploded. These are often cleared by ordinary deminers. Nevertheless, UXO also includes larger items such as artillery ammunition, guided missiles and air-dropped bombs. The wide variety of size and complexity of UXO requires that special attention be given to the management of EOD and BAC.

To a certain extent in the past, the problem of UXO has not received the international attention it deserves based on its impact on the civilian population. Urban and peri-urban contamination tends to be of UXO rather than mines and some 'mine'-affected countries, such as Laos or Viet Nam are actually plagued by huge UXO contamination and face little or no humanitarian threat from landmines. The international community has now begun to address with greater seriousness the problems caused by these 'explosive remnants of war' (ERW), as is evidenced by the adoption and entry into force of Protocol V to the CCW.

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In seeking to clear UXO, it must be borne in mind that there are many more types of munitions and fuzing used in explosive ordnance than is the case with landmines. So, whereas a deminer can be trained in a month, becoming an expert in EOD takes years. EOD is extremely painstaking work. Thus, the first task for an EOD technician faced with an item of UXO is to identify its fuzing system and decide whether it is safe to handle. Some stored ammunition may be already fused and stockpiles may also be booby-trapped. Checking this takes time, balancing safety and speed.

According to IMAS, UXO should normally be destroyed *in situ* by detonation. If this is not possible or appropriate for reasons of safety or for local environmental considerations such as the proximity of buildings or facilities, demining organisations must render a munition safe by neutralisation and/or disarming prior to moving it to a suitable location for disposal.²⁵

The legal framework

Although mine action seeks to clear all mine and other ERW hazards, significant international attention has focused on the clearance of emplaced anti-personnel mines since the late 1980s and early 1990s. This has galvanised the attention of many countries as a result of the entry into force of the Anti-Personnel Mine Ban Convention. Under the Convention, each State Party undertakes to destroy or ensure the destruction of all anti-personnel mines in mined areas under its jurisdiction or control, as soon as possible but not later than 10 years after a State becomes party to the Convention.²⁶

The reference to ‘ensuring the destruction of’ emplaced anti-personnel mines confirms that a State Party is not obliged to carry out the requisite clearance itself, but may have recourse to external assistance, not only from other governments but also from NGOs and commercial companies. Similarly, the IMAS clarifies that demining may be carried out by different types of organisations, such as NGOs, commercial companies, national mine action teams or military units, and may be emergency-based or developmental.²⁷

To assist in the implementation of the clearance obligation, States Parties to the Anti-Personnel Mine Ban Convention ‘in a position to do so’ (the term is not defined) are obliged to provide assistance for the destruction of emplaced anti-personnel mines.²⁸ Assistance may be provided, *inter alia*, through the UN system, international or regional organisations or institutions, NGOs, or on a bilateral basis. Many States (not only those that are party to the Convention) have already provided financial, material and technical assistance and training for humanitarian demining.²⁹

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States Parties must also facilitate the fullest possible exchange of equipment, material, scientific and technological information concerning the implementation of the Anti-Personnel Mine Ban Convention. ‘Undue’ restrictions must not be imposed on the provision of mine clearance equipment and related technological information for humanitarian purposes.⁵⁰

Of course, some States, especially those severely affected by mine and other ERW contamination, may not be in a position to complete the necessary clearance operations within the ten-year deadline. For this reason, each State Party may submit a request to a Meeting of the States Parties or a Review Conference for an extension of the deadline for completing the destruction of emplaced anti-personnel mines, for a period of up to 10 years.⁵¹ A State may apply for further extension periods.⁵²

In support of the clearance operations, each State Party is also required to make “*every effort to identify all areas under its jurisdiction or control in which anti-personnel mines are known or suspected to be emplaced*”. They must also ensure “*as soon as possible*” that the mines are perimeter-marked, monitored and protected by fencing or other means, to ensure the effective exclusion of civilians until the clearance operations are complete.⁵³

As set out in Chapter 5, similar clearance obligations are contained in the Convention on Cluster Munitions. Each State must also clear territory under its jurisdiction or control of cluster munitions remnants within 10 years of becoming party to the convention. Cluster munitions remnants are defined to include the following:

- > failed cluster munitions (where cluster munitions are dropped or fired but a dispenser fails to disperse the submunitions as intended)
- > abandoned cluster munitions (where unused cluster munitions have been left behind or dumped, and are no longer under the control of the party that left them behind or dumped them)
- > unexploded submunitions (where submunitions have landed, but have failed to explode as intended), and
- > unexploded bomblets (where explosive bomblets have been dropped from a fixed-wing dispenser but have failed to explode as intended).

If, after becoming a State Party, cluster munitions are used in areas under its jurisdiction or control and become cluster munition remnants, the State Party is given up to ten years after the end of active hostilities to complete clearance and destruction operations.

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There are similar obligations in the Convention on Cluster Munitions to those in the Anti-Personnel Mine Ban Convention on international cooperation and assistance. As noted above, the Convention enters into force on 1 August 2010.

In addition, Amended Protocol II to the Convention on Certain Conventional Weapons requires that “*all reasonable precautions should be taken to protect civilians from the impact of mines, booby-traps and other devices*”.³⁴ The location of all mines, booby-traps and other devices must be mapped and recorded in all circumstances in accordance with the provisions of the Technical Annex to the Protocol.³⁵ In addition, manually-emplaced anti-personnel mines that are not self-destructing and self-deactivating can only be used if they are “*placed within a perimeter-marked area which is monitored by military personnel and protected by fencing or other means, to ensure the effective exclusion of civilians from the area. The marking must be of a distinct and durable character and must at least be visible to a person who is about to enter the perimeter-marked area*”.³⁶

In practice, these requirements are seldom met. Few mined areas are fenced, and few accurate minefield maps have been made available. Perimeter fencing has often been removed by local people for their own purposes, or destroyed by animals or natural causes. In 2006, the GICHD conducted a study of marking and fencing of mined and ERW-affected areas. The study found a wide variety of practices across affected States.

CCW Protocol V seeks to address the serious post-conflict humanitarian problems caused by explosive remnants of war. It allocates responsibilities for the clearance, removal or destruction of such ERW,³⁷ defined as “*unexploded ordnance and abandoned explosive ordnance*”,³⁸ and calls for “*all feasible precautions*” to protect civilians from their risks and effects.³⁹ In addition, States Parties “*in a position to do so*” must provide assistance for the “*marking and clearance, removal or destruction*” of explosive remnants of war.⁴⁰ The Protocol entered into force on 12 November 2006.

ENDNOTES

- ¹ The term 'Confirmed Hazardous Area' (CHA) refers to "an area identified by a non-technical survey in which the necessity for further intervention through either technical survey or clearance has been confirmed."
- ² **IMAS 08.20: Land Release**, First Edition, 10 June 2009, p. 5.
- ³ *Ibid.*, p. v.
- ⁴ Presentation by the GICHD, 'Land Release', Standing Committee on Mine Clearance, Mine Risk Education and Mine Action Technologies, Geneva, 4 June 2008.
- ⁵ See, for example, 'Applying all available methods to achieve the full, efficient and expedient implementation of Article 5, A discussion paper prepared by the Coordinator of the Resource Utilization Contact Group (Norway)', Revised version, July 2008.
- ⁶ Non-technical survey is defined by the relevant IMAS as survey which involves "collecting and analysing new and/or existing information about a hazardous area. Its purpose is to confirm whether there is evidence of a hazard or not, to identify the type and extent of hazards within any hazardous area and to define, as far as is possible, the perimeter of the actual hazardous areas without physical intervention. A non-technical survey does not normally involve the use of clearance or verification assets. Exceptions occur when assets are used for the sole purpose of providing access for non-technical survey teams. The results from a non-technical survey can replace any previous data relating to the survey of an area." **IMAS 08.21: Non-Technical Survey**, First Edition, 10 June 2009, pp. 1–2.
- ⁷ The IMAS defines technical survey as "a detailed intervention with clearance or verification assets into a CHA, or part of a CHA. It should confirm the presence of mines/ERW leading to the definition of one or more DHA and may indicate the absence of mines/ERW which could allow land to be released when combined with other evidence." **IMAS 08.20: Land Release**, First Edition, 10 June 2009, p. 2.
- ⁸ **IMAS 08.20: Land Release**, First Edition, 10 June 2009, p. 3.
- ⁹ *Ibid.*, p. 1.
- ¹⁰ According to the IMAS, "Before land can be released from suspicion, it should be established, with a sufficiently high level of confidence, that there is no longer any evidence that the area contains any explosive hazards. This confidence can only be gained after all reasonable efforts to investigate whether mines/ERW are present have been made ... "All reasonable effort" may, at one extreme, only be the conduct of a non-technical survey which finds absolutely no evidence of mines/ERW ... However, if the non-technical survey confirms some evidence of mines/ERW, it would be reasonable to expend more effort to gain more confidence about which areas are free of mines/ERW and which are not. In this case, "all reasonable effort" may mean that a technical survey or clearance should be conducted." **IMAS 08.20: Land Release**, First Edition, 10 June 2009, p. 5.
- ¹¹ In certain circumstances, the evidence may be sufficient to define the area of contamination and this DHA is then subjected to full clearance.
- ¹² For a flowchart of the process, see **IMAS 08.20: Land Release**, First Edition, 10 June 2009, p. 3.
- ¹³ For the purposes of the IMAS an 'assessment' is defined as "a continually refined process of information gathering and evaluation" whereas 'a survey' is a distinct operational task capable of being contracted. **IMAS 08.10**, Edition 2, 1 January 2003, p. v.
- ¹⁴ **IMAS 04.10**, Second Edition, 1 January 2003 (incorporating amendment numbers 1 and 2), Definition 3.93.
- ¹⁵ For details of marking of hazards see **IMAS 08.40**.

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ENDNOTES

- ¹⁶ GICHD, *A Study of Manual Mine Clearance*, Section 1: History, Summary and Conclusions of a Study of Manual Mine Clearance, Geneva, August 2005, p. 30.
- ¹⁷ GICHD, *A Study of Manual Mine Clearance*, Section 1: History, Summary and Conclusions of a Study of Manual Mine Clearance, Geneva, August 2005, p. 11.
- ¹⁸ GICHD, *Mine Action Equipment: Study of Global Operational Needs*, Geneva, 2003.
- ¹⁹ GICHD, *A Study of Mechanical Application in Demining*, Geneva, January 2004, p. 3.
- ²⁰ GICHD, *Guidebook on Detection Technologies and Systems for Humanitarian Demining*, Geneva, March 2006.
- ²¹ This section is based on P. Blagden, 'Landmine detection and destruction technologies', Chapter 2 of *Mine Action: Lessons and Challenges*, GICHD, Geneva, October 2005; and GICHD, *Guidebook on Detection Technologies and Systems for Humanitarian Demining*, Geneva, March 2006, p. 17.
- ²² The upper frequency band corresponds roughly to that of cellular phones/microwave ovens.
- ²³ Or, more strictly, material of a different permittivity or dielectric constant.
- ²⁴ The capability to distinguish two closely spaced objects and/or to define the shape of an object. Increased spatial resolution leads to sharper "pictures", whether real ones in the case of an imaging sensor, or "virtual" ones in the case where an operator interprets a sensor's output — in demining, typically an acoustic signal — and builds a mental map of it.
- ²⁵ *IMAS 09.30*, Edition 1, 1 October 2001, incorporating amendment numbers 1 & 2, p. iv.
- ²⁶ Article 5, *Anti-Personnel Mine Ban Convention*.
- ²⁷ *IMAS 04.10*, Edition 2, 1 January 2003, Standard 3.42.
- ²⁸ Article 6, paragraph 4, *Anti-Personnel Mine Ban Convention*.
- ²⁹ For details, see for instance the overview on funding as well as individual country reports in International Campaign to Ban Landmines, *Landmine Monitor Report 2006: Toward a Mine-Free World*, Mines Action Canada, Ottawa, July 2006. Information is also available on the UN's Electronic Mine Information Network (E-MINE), at www.mineaction.org.
- ³⁰ Article 6, paragraph 2, *Anti-Personnel Mine Ban Convention*.
- ³¹ Article 5, paragraph 3, *Anti-Personnel Mine Ban Convention*.
- ³² Article 5, paragraph 5, *Anti-Personnel Mine Ban Convention*.
- ³³ Article 5, paragraph 2, *Anti-Personnel Mine Ban Convention*.
- ³⁴ Article 3, paragraph 10, *Amended Protocol II*.
- ³⁵ Article 9, paragraph 1, *Amended Protocol II*.
- ³⁶ Article 5, paragraph 2, *Amended Protocol II*.
- ³⁷ Article 2, paragraphs 1 to 4, *Protocol V to the CCW*. The text of the Protocol is included in *Appendix 6*.
- ³⁸ See Article 3, *Protocol V*.
- ³⁹ Article 5, *Protocol V*.
- ⁴⁰ Article 8, paragraph 1, *Protocol V*.

CHAPTER 8

MINE AND EXPLOSIVE REMNANTS OF WAR RISK EDUCATION



MINE AND EXPLOSIVE REMNANTS OF WAR RISK EDUCATION

SUMMARY

Mine risk education aims to prevent deaths and injuries from mines and explosive remnants of war (ERW) through information and education, as well as through support to other mine action and development efforts. At the heart of mine risk education, formerly known as mine awareness, are two elements: a communication strategy to promote safer behaviour, and community liaison activities. Under the Anti-Personnel Mine Ban Convention, States Parties in a position to do so shall provide assistance for mine awareness. States Parties to the Convention on Cluster Munitions are required to conduct “risk reduction education” for civilians living in or around cluster munition contaminated areas.¹ No guidance on how to do so is included in the Convention, but each State Party is obliged to “*take into account international standards*”, including the IMAS.² CCW Protocol V stipulates that High Contracting Parties “shall take all feasible precautions in the territory under their control” affected by ERW, including warnings and risk education to the civilian population.

INTRODUCTION

The chapter first addresses the definition of mine and explosive remnants of war risk education (MRE), including the principal strategies and techniques for carrying out MRE: effective communication and community liaison. The project cycle for an effective MRE programme is then reviewed, including the assessment of needs, planning, programme implementation and consideration of how to assess whether a programme or project is effective.³ Even in an emergency, this cycle should be carefully followed (although the available data for analysis may be significantly reduced). The coordination of MRE is then summarised. Finally, the chapter looks at the normative framework for MRE.

WHAT IS MINE RISK EDUCATION?

The International Mine Action Standards (IMAS) define the term mine risk education as referring to “*activities which seek to reduce the risk of injury from mines and ERW by raising awareness and promoting behavioural change, including public information dissemination, education and training, and community mine action liaison.*”⁴ Thus, although the discipline is called mine risk education, it seeks to prevent harm to civilians from all types of victim-activated explosive devices, including abandoned or unexploded ordnance.

In basic terms, as with all mine action, MRE is all about the management of risk. To do so, it is critical to understand why people are taking risks with mines and ERW. Most MRE projects and programmes tend to categorise risk-takers in four ways:

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The Unaware (the person doesn't know anything about the dangers that mines or other ERW represent – typical examples are refugees or young children);

The Uninformed (the person knows that mines and ERW exist and are potentially dangerous but doesn't know about safe behaviour – typical examples are the internally displaced or older children);

The Reckless (the person knows about safe behaviour but deliberately ignores it – typical examples are adolescent boys playing with mines or other explosive devices); and

The Forced (the person has little or no option but to intentionally adopt unsafe behaviour – typical examples are adults in highly-impacted communities who need to forage for food or water for their families to survive).

Understanding who is taking risks and why, is fundamental to an effective MRE project and programme.



Mine risk education should be distinguished from advocacy to ban anti-personnel mines or cluster munitions and general public awareness of the global mine/ERW problem, as MRE focuses on communities affected by landmines and ERW. However, advocacy activities may be incorporated in an MRE programme, and may even be necessary to ensure its success. If, for example, the authorities in a particular country try to play down the significance of the mine threat, this will undermine MRE efforts to raise awareness of the dangers and to influence community behaviour. What is more, an effective MRE programme may support efforts to obtain governmental adherence to the Anti-Personnel Mine Ban Convention or Convention on Cluster Munitions.

MINE AND EXPLOSIVE REMNANTS OF WAR RISK EDUCATION

THE GOALS OF MINE RISK EDUCATION

MRE has three main goals:

- > to minimise deaths and injuries from landmines and ERW
- > to reduce the social and economic impact from landmines and ERW, and
- > to support development.

These goals are interlinked and interdependent, though each has distinct elements as part of the strategy to achieve them.

Minimising deaths and injuries

The first goal of MRE is to minimise deaths and injuries from mines and ERW. The main strategies employed to achieve this goal include the provision and exchange of information, advocacy and capacity development. This means:

- > providing information and training to at-risk populations
- > wherever possible, exchanging information with affected communities, and
- > providing information to, and advocating with, the mine action, relief and development sectors.

Reducing the social and economic impact from mines and other ERW

The second goal of MRE is to reduce the social and economic impact from landmines and ERW. The main strategy to achieve this is by facilitating other mine action activities, that is to say supporting:

- > demining (survey, marking and clearance of mines and ERW)
- > victim assistance (physical and psychosocial rehabilitation, and social reintegration of the survivors of explosions of landmines and ERW)
- > stockpile destruction (of landmines, abandoned stockpiles of munitions and other weapons or munitions retained by civilians in their homes), and
- > advocacy against anti-personnel mines (including support for the Anti-Personnel Mine Ban Convention, the Convention on Cluster Munitions, and other international law regulating mines and ERW).

MRE can also support some of the other enabling activities for mine action, such as coordination, quality management, assessment and planning, priority selection and setting, and broader advocacy for mine action, including resource mobilisation.

It achieves these goals by exchanging information between affected communities and the mine action sector. This process of linkages and advocacy is called community liaison. The role of MRE in supporting other mine action components is discussed in greater detail below.

Supporting relief and development work

At its broadest, MRE seeks to support community development. MRE organisations have often found that the main obstacle to safe behaviour is not ignorance or irresponsibility, but a lack of suitable alternatives to ‘forced’ risk-taking. Most of the people living in especially vulnerable communities will know that an area or an activity is potentially hazardous, but may need to enter an area to collect water, firewood or food in order to survive, or decide to collect ordnance for its scrap metal value to earn some money. So simply telling them that what they are doing is dangerous is both pointless and disrespectful.

It is therefore necessary to identify realistic solutions to help the community. Some of these may be mine-action-related; others are more generally found in the relief or development spheres. Thus, for example, if access to water is the key problem because of explosive contamination around a well or water point, perhaps a new borehole can be sunk in a safe area by a development organisation supporting water and sanitation projects. If income-generation is the prerequisite for safe behaviour, perhaps micro-credit or other self-sustaining solutions can be identified in collaboration with relief and development organisations or local/national government departments and ministries. As already mentioned, this process of linkages and advocacy is called community liaison.

Moreover, the process of community liaison itself can contribute to effective development, as one of its primary tasks is to support people in a community in their efforts to take responsibility for managing the mine and ERW contamination that is affecting them. This is done by developing community capacity for participatory approaches to planning, assessment and management, which are the backbone of good community liaison. The result of this capacity development is social capital, which enables the community also to better manage the many other problems it must face.



Community awareness session | Lao PDR

MINE AND EXPLOSIVE REMNANTS OF WAR RISK EDUCATION

MINE RISK EDUCATION ACTIVITIES

The three main MRE activities as defined by the IMAS are:

- > public information dissemination
- > education and training, and
- > community mine action liaison.

Public information dissemination

Public information dissemination as part of MRE refers primarily to the provision of information to at-risk individuals and communities to reduce their risk of injury from mines and ERW. It seeks to raise their awareness of the dangers and to promote safe behaviour.

Public information dissemination is primarily a one-way form of communication transmitted through mass media, which can provide relevant information and advice in a cost-effective and timely manner. In contrast to the other MRE activities, public information dissemination projects may be ‘stand-alone’ projects that are implemented independently, and often in advance, of other mine action activities.

In an emergency post-conflict situation, due to time constraints and lack of accurate data, public information dissemination is often the most practical means of communicating safety information to reduce risk. Equally, this may form part of a more comprehensive risk reduction strategy within a mine action programme, supporting community-based MRE, demining or advocacy activities.

Education and training

The term ‘education and training’ in MRE refers to all educational and training activities that seek to reduce the risk of injury from mines and ERW by raising awareness of the threat to individuals and communities, and by promoting behavioural change. Education and training is a two-way process, which involves the imparting and acquisition of knowledge, attitude and practice through teaching and learning. It is therefore more targeted to those at risk, using more specific messages and strategies than is typically the case with public information dissemination.



MRE session | Ethiopia

Education and training activities may be conducted in formal and non-formal environments. For example, this may include teacher-to-child education in schools, parent-to-children and children-to-parent education in the home, child-to-child education, peer-to-peer education in work and recreational environments, landmine safety training for humanitarian aid workers, and the incorporation of landmine safety messages in regular occupational health and safety practices.

Community liaison

Community liaison refers to the exchange of information between affected or at-risk communities and national authorities, mine action organisations and relief and development actors about the presence of mines and ERW, and their potential risk. It is considered by the IMAS to be a “**strategic principle of mine action**” and is widely regarded as the key to more effective MRE projects and programmes.

Community liaison creates a vital reporting link to the programme planning staff, and enables the development of appropriate and localised risk reduction strategies. Community liaison aims to ensure that mine action projects address community needs and priorities. It should be carried out by all organisations conducting mine action operations. These may be MRE-specific organisations, or MRE individuals and/or multi-disciplinary teams within a mine action organisation.

The role of MRE in mine action – notably through effective community liaison – is now discussed.

MINE AND EXPLOSIVE REMNANTS OF WAR RISK EDUCATION

THE ROLE OF MRE IN MINE ACTION

Effective MRE can play a significant role in mine action, by virtue of the information it collects at community level and the relationship it can build with affected communities. The following describes some of the practical contributions that MRE can make to other mine action activities.

MRE support for demining

Demining includes survey, marking and clearance of landmines and ERW. MRE, especially through community liaison work, can contribute to each of these three activities, as well as develop community capacity for management of risk.

In terms of survey, MRE teams can, based on information supplied by the community:

- > locate affected areas
- > identify types of ordnance present
- > understand how mines and other ERW are affecting the lives and wellbeing of the community, and
- > help to generate community lists of priorities for clearance or marking.

In terms of marking, MRE teams can:

- > learn about local warning signs
- > encourage respect for minefield marking and fencing, and
- > help to generate community lists of priorities for marking (including suitable materials that will reduce the risk of removal, theft or destruction).

In terms of clearance, MRE teams can:

- > advise the community of the arrival of demining teams
- > inform the community about safety procedures during clearance operations
- > inform community members about areas that have been cleared and those that remain hazardous, including markings of cleared and uncleared areas
- > facilitate handover of land, including confidence-building measures to show the community that cleared land is actually clear, and
- > follow-up, by returning to communities weeks or months after clearance to ensure that land is being used, and used appropriately, by the intended beneficiaries.



Mines and ERW awareness campaign

MRE support for victim assistance

MRE can play a role in facilitating the provision of assistance to mine / ERW victims in a manner that does not discriminate according to the cause of one's injury or disability.

In particular, MRE teams can:

- > identify national and local capacities for victim assistance, and under what conditions assistance is available
- > identify amputees in need of assistance during their work in communities
- > liaise with physical rehabilitation centres to ensure assistance is provided
- > if necessary, facilitate transport of the amputee and family member to and from the centre for treatment, and
- > consider employing survivors in their project.

MRE support for stockpile destruction

Similar to the actions they can undertake in support of demining, MRE teams can support the process of destruction of weapons caches (ie not just of anti-personnel mines), abandoned explosive ordnance (AXO) and explosive ordnance retained by civilians in their homes.

This is both a process of information collection and of advocacy: information collection to find out where weapons are stored or held, and advocacy to persuade families or local military forces to accept that they be safely destroyed.

MINE AND EXPLOSIVE REMNANTS OF WAR RISK EDUCATION

MRE support for advocacy

MRE can play an important role in building political will in concerned countries in favour of mine action. National and local ownership of the management of mine action is the only long-term, sustainable approach to dealing with the impact of mines and ERW. This can be done through lobbying ministries and the parliament, as well as generating public interest in and support for, mine action through seminars and good communication through the mass media.

In addition, MRE projects should always consider including a national or regional advocacy element in their work. This can be advocacy in favour of banning anti-personnel mines, in the 40 or so countries that have not yet joined the Anti-Personnel Mine Ban Convention. It can also be advocacy in favour of Protocol V to the Convention on Certain Conventional Weapons, which regulates ERW, and allocates responsibilities for dealing with them.

THE IMAS ON MRE

As part of ongoing efforts to professionalise MRE projects and programmes, UNICEF led the development of international standards for MRE, within the framework of the IMAS. In October 2003, UNICEF completed seven MRE standards, which were formally adopted as IMAS in June 2004. The seven standards are as follows:

- > IMAS 07.11 | Guide for the management of mine risk education
- > IMAS 07.31 | Accreditation of mine risk education organisations and operations
- > IMAS 07.41 | Monitoring of mine risk education programmes and projects
- > IMAS 08.50 | Data collection and needs assessment for mine risk education
- > IMAS 12.10 | Planning for mine risk education programmes and projects
- > IMAS 12.20 | Implementation of mine risk education programmes and projects
- > IMAS 14.20 | Evaluation of mine risk education programmes and projects



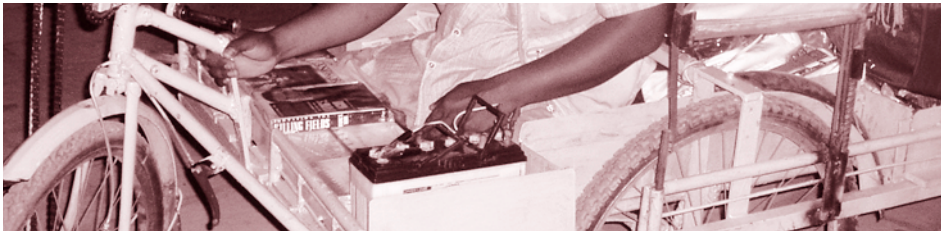
The MRE component of the IMAS outlines minimum standards for the planning, implementing, monitoring and evaluation of MRE programmes and projects. The IMAS are largely prescriptive, advising operators, mine action centres, national authorities and donors on what is necessary for the development and implementation of effective MRE programmes. They do not, however, guide stakeholders on how they might adapt their programmes and projects to be more compliant with the standards. To facilitate the implementation of the MRE standards in the field, UNICEF entered into a partnership with the GICHD to develop a series of Best Practice Guidebooks to provide more practical advice on how to implement the MRE standards. These guidebooks are available online at www.gichd.org.

ENDNOTES

- ¹ Article 4, paragraph 2(e), [Convention on Cluster Munitions](#).
- ² Article 4, paragraph 3, [Convention on Cluster Munitions](#).
- ³ In accordance with the IMAS definition, a programme is “a group of projects or activities which are managed in a co-ordinated way, to deliver benefits that would not be possible were the projects and/or contracts managed independently.” [IMAS 04.10](#), Second Edition, 1 January 2003 (incorporating amendment numbers 1 & 2), Definition 3.188.
- ⁴ [IMAS 04.10](#), Second Edition, 1 January 2003 (incorporating amendment numbers 1 & 2), Definition 3.157.

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SUMMARY

Landmine, cluster munition and other ERW victims – not to mention the families of those killed or injured and their communities affected by landmines and explosive remnants of war – require a range of assistance. This includes emergency and continuing medical care; physical rehabilitation, including prostheses and assistive devices; psychological support; social and economic empowerment; and laws and policies designed to protect their rights, eliminate discrimination and equalise opportunities. The understandings on victim assistance have evolved over the past decade through collaboration and cooperation between States, survivors, UN agencies, the ICRC, and non-governmental organisations such as the ICBL, Handicap International and Survivor Corps, at the national and international level.

While ultimate responsibility for providing this assistance rests with national authorities, the Anti-Personnel Mine Ban Convention and Protocol V of the Convention on Certain Convention Weapons state 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 and other ERW victims, respectively*”. The practices employed in the implementation of the Anti-Personnel Mine Ban Convention have informed in the Convention on Cluster Munitions detailed obligations for States Parties to assist all victims in areas within their jurisdiction or control.

INTRODUCTION

This chapter addresses what is understood by the terms ‘**victim**’ and ‘**victim assistance**’. The chapter then describes how victim assistance rests within broader contexts of national healthcare and rehabilitation programmes, disability, human rights and development. In addition, the chapter provides an overview of efforts and strategies to provide assistance to landmine, cluster munition and other ERW victims, including a description of the work of some of the key international actors involved in providing such assistance. Finally, the chapter considers the role of victim assistance within mine action.

WHO IS A VICTIM?

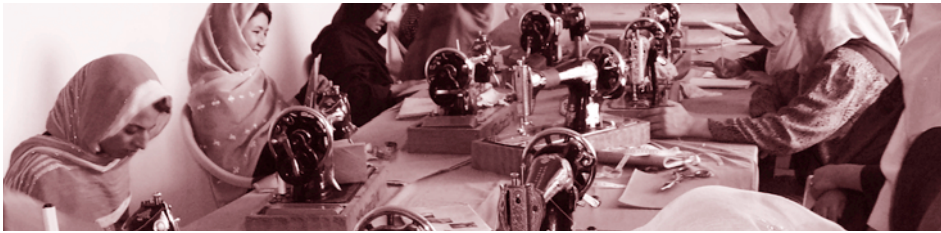
The States Parties to the Anti-Personnel Mine Ban Convention define ‘mine victim’ to include “*those who either individually or collectively have suffered physical or psychological injury, economic loss or substantial impairment of their fundamental rights through acts or omissions related to mine utilization*”.¹ That means the individual directly impacted, their family, and community. Moreover, it was acknowledged that, on the one hand, “*a broad approach to what is considered a landmine victim has served a purpose in drawing attention to the full breadth of victimization caused by landmines and unexploded ordnance,*” while, on the other, “*quite naturally the majority of attention has been focused on providing assistance to*

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those individuals directly impacted by mines” given that “these individuals have specific needs for emergency and ongoing medical care, rehabilitation and reintegration, and require legal and policy frameworks to be implemented in such manner that their rights are protected.”²

The text of the Convention on Cluster Munitions formally defines a ‘victim’ as “all persons who have been killed or suffered physical or psychological injury, economic loss, social marginalisation or substantial impairment of the realisation of their rights caused by the use of cluster munitions. They include those persons directly impacted by cluster munitions as well as their affected families and communities.”³



Women with disabilities learning a new skill at the Community Centre for the Disabled’s tailoring program in Kabul | Afghanistan

WHAT IS VICTIM ASSISTANCE?

At the Anti-Personnel Mine Ban Convention’s 2004 First Review Conference, the States Parties agreed that victim assistance comprised of six elements:

- > understanding the extent of the challenges faced
- > emergency and continuing medical care
- > physical rehabilitation, including physiotherapy, prosthetics and assistive devices
- > psychological support and social reintegration
- > economic reintegration, and
- > the establishment, enforcement and implementation of relevant laws and public policies.⁴

In the view of Handicap International, victim assistance comprises the following components: pre-hospital care; hospital care; rehabilitation; social and economic reintegration; laws and polices; and health and social welfare surveillance and research.⁵ For its part, the International Committee of the Red Cross (ICRC) has highlighted that landmine survivors have both particular medical needs and requirements for rehabilitative services, and that key factors affecting the provision of assistance include an accurate assessment of the level of need and the access by survivors to services that are provided.⁶

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However, through the work of implementing the Anti-Personnel Mine Ban Convention, victim assistance is now better understood as a process that involves an age- and gender-sensitive, rights based and holistic approach in which each component – emergency and continuing medical care, physical rehabilitation, psychological support, and social and economic reintegration / inclusion – is essential and requires specific objectives to ensure high quality standards, availability and accessibility of services in order to promote the ultimate aim of full and effective participation and inclusion. Such an approach can only be achieved through collaboration and coordination between all relevant ministries and actors in the disability sector, including survivors and other persons with disabilities.⁷ Survivors and the families of those killed or injured may need to access different stages of this process throughout their lifetime depending on their personal circumstances.

Data collection and laws and policies are an important component of victim assistance, but are not part of the process. Rather, data collection provides a foundation on which to develop services based on identified needs, and laws and policies provide overall protection of the rights of those needing to access the process.



Children are also victims of mines and ERW

Key elements of comprehensive victim assistance efforts include that:

- > comprehensive data collection and information management is essential to ensure that the level and types of needs are known in order to best target finite resources
- > victim assistance efforts should involve enhancing, where necessary, laws and public policies related to human rights and the equalisation of opportunities for persons with disabilities – as well as the effective implementation of these legal and policy frameworks

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- > victim assistance efforts should include strengthening the capacity of medical, rehabilitative and other services that are provided to survivors and other persons with disabilities, and involve steps to ensure the sustainability of these services
- > victim assistance efforts should address constraints on the access to and provision of services
- > addressing the rights and needs of landmine victims is a long-term commitment that will require the coordinated efforts of States, international agencies, survivors, non-governmental organisations, and the donor community
- > victim assistance must be seen as a set of concrete actions for which specific States hold ultimate responsibility, and
- > success in victim assistance means understanding victim assistance in the broader context of development and seeing its place as a part of existing State responsibilities in the areas of healthcare, social services, rehabilitation, vocational training and human rights.

NEED FOR ASSISTANCE

It is impossible to know with certainty the number of landmine, cluster munition and other ERW survivors around the world. Estimates provided by non-governmental organisations are qualified by noting that such figures represent only the reported casualties and do not take into account the many casualties that are believed to go unreported. In many countries, civilians are killed or injured in remote areas away from any form of assistance or means of communication; in some countries, casualties are not reported for military or political reasons. Nevertheless, the particular needs of victims have been well articulated. A landmine, cluster munition or other ERW incident can cause various injuries to an individual including the loss of limbs, abdominal, chest and spinal injuries, blindness, deafness, and less visible psychological trauma. Although victims often suffer lifelong disability, the physical limitations of the disability can be kept to a minimum with correct treatment.⁸

Mine, cluster munition and other ERW injuries require prompt and appropriate medical attention. Emergency and continuing medical care includes first-aid, emergency evacuation, and medical care including surgery, blood transfusions, pain management and other health services. The provision of appropriate emergency and continuing medical care, or the lack of it, has a profound impact on the immediate and long-term recovery of victims. However, many affected countries lack trained staff, medicines, blood, equipment and infrastructure to adequately respond to traumatic injuries.

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Survivors may also need physical rehabilitation including the provision of services in rehabilitation and physiotherapy and the supply of assistive devices such as prostheses, orthoses, walking aids and wheelchairs to promote their physical well-being. Physical rehabilitation focuses on helping a person regain or improve the capacities of his/her body, with physical mobility as the primary goal. Rehabilitation services should apply a multidisciplinary approach involving a team working together, including a medical doctor, a physiotherapist, a prosthetic/orthotic professional, an occupational therapist, a social worker and other relevant specialists. The person with a disability and his/her family each has an important role in this team.

Although the physical wounds caused by landmines, cluster munitions or other ERW can be horrific, the psychological and social impact can also be significant. Difficulties in relationships and daily functioning can be considerable and the survivor may face social stigmatisation, rejection and unemployment. Appropriate psychological and psychosocial support has the potential to make a significant difference in the lives of survivors, and the families of those killed or injured. Psychological and psychosocial support is necessary in the immediate aftermath of the accident and may be needed at different times throughout their lifetime.

For the many survivors and the families of those killed or injured, the main priority is not medical care or rehabilitation but opportunities to be productive members of their communities. Economic empowerment includes activities that improve the economic status of survivors and the families of those killed or injured through education, vocational training, access to micro-credit, income generation and employment opportunities, and the economic development of the community infrastructure. Economic empowerment is essential to promote self-sufficiency and independence.

Survivors also need an assurance that a legal framework is in place and will be implemented to protect their rights and to ensure an equalisation of opportunities. Appropriate legislation and policy frameworks promote the rights, accessibility, quality medical treatment, adequate healthcare, social protection and non-discrimination for all citizens with disability, including mine, cluster munition and other ERW survivors.



VICTIM ASSISTANCE IN A BROADER CONTEXT

While victim assistance has been referred to by the UN and others as an integral component of mine action, there are important contextual differences between humanitarian demining and activities related to assisting in the care and rehabilitation of landmine survivors. The problems associated with mine, cluster munition or other ERW contaminated areas are relatively distinct and consequently humanitarian demining has developed as a new and specialised discipline. However, the problems faced by survivors are similar to the challenges faced by other persons who have suffered injuries and who are living with disabilities.



Survivors are a sub-group of larger communities of persons with disabilities and of individuals requiring medical and rehabilitation services. Moreover, victim assistance does not warrant the development of new fields or disciplines but rather simply calls for ensuring that existing healthcare and social service systems, rehabilitation programmes and legislative and policy frameworks are adequate to meet the needs of all citizens – including landmine, cluster munition and other ERW survivors.

It is now widely understood that the call to assist landmine, cluster munition and other ERW victims should not lead to victim assistance efforts being undertaken in such a manner as to exclude any person injured or disabled in another manner.⁹ Equally, though, the impetus provided by the Anti-Personnel Mine Ban Convention to assist victims provides an opportunity to enhance the well-being of not only survivors but also all other war victims and other persons with disabilities. Assistance to survivors should be viewed as a part of a country's overall public health and social services system. However, within those general systems, deliberate care must be taken to ensure that survivors and other persons with disabilities receive the same opportunities in life – for healthcare, social services, a life-sustaining income, education and participation in community life.

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Ensuring that adequate assistance is provided to landmine, cluster munition and other ERW survivors must also be seen in a broader context of development and underdevelopment. As Handicap International has noted, “*the mine-affected countries are not all in a position to offer the same level of care and social assistance to their populations and to mine victims in particular*”.¹⁰ This is particularly relevant in the world’s most affected continent, Africa, where most countries with victims have a low Human Development Index score. Moreover, these countries have some of the world’s lowest rankings of overall health system performance. A political commitment within these countries to assist survivors is essential. However, ensuring that a real difference can be made may require addressing broader development concerns.

The responsibility to assist victims

As the responsibility to ensure the well-being of a country’s population rests with each State’s authorities, the task of providing for the care and rehabilitation needs of a country’s landmine, cluster munition and other ERW survivors remains a State responsibility. This task is most profound in approximately 30 countries that are most heavily impacted by mines, cluster munitions and other ERW. Acting upon the responsibility to assist victims in these countries is further complicated by the fact that many of them are among the poorest on the planet.

The preamble to the Anti-Personnel Mine Ban Convention underscores the responsibility of States to provide for landmine survivors when it states the wish of the States Parties “*to do their utmost in providing assistance for the care and rehabilitation, including the social and economic reintegration, of mine victims*”. While each individual State is responsible for its citizens, Article 6 of the Convention makes it clear that States Parties are not alone in the fulfilment of their responsibilities. That is, the Convention states 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*”.¹¹

The Anti-Personnel Mine Ban Convention was the first multilateral disarmament treaty to call upon states to take responsibility in assisting victims of a particular type of weapon. Indeed, in addition to developing understandings on concepts like mine victim and victim assistance, and on broader contextual matters, the States Parties at the First Review Conference drew several important conclusions regarding the matter of responsibility. That is, to determine who ultimately has responsibility for assisting mine victims. The work of the States Parties has led them to accept the view that “*all States Parties in a position to do so have a responsibility to support mine victims – regardless of the number of landmine victims within a particular State Party*.”¹²

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However, the States Parties also came to the understanding that “*the ultimate responsibility for victim assistance rests with each State Party within which there are landmine survivors and other mine victims.*” The logic for such an understanding is grounded in the fact that “*it is the basic responsibility of each State to ensure the well-being of its population, notwithstanding the fundamental importance of the international donor community supporting the integration and implementation of the policies and programmes articulated by States Parties in need.*”¹⁵

The Convention states that assistance for mine victims may be provided, “*inter alia, through the United Nations system, international, regional or national organisations or institutions, the International Committee of the Red Cross, national Red Cross and Red Crescent societies and their International Federation, non-governmental organisations, or on a bilateral basis*”. As well, State Parties may request assistance from the UN, regional organisations, other States Parties or other competent intergovernmental or non-governmental fora in elaborating a national programme that would include mine victim assistance activities.¹⁴



Rehabilitation centre | Afghanistan

The situation for every State is different and specific priorities for achieving the aims of victim assistance should be determined by individual States based on their very diverse circumstances and unique characteristics. To assure progress in achieving the victim assistance aims of the Anti-Personnel Mine Ban Convention, the focus of efforts has been to reinforce national ownership and ensure the long-term sustainability of victim assistance efforts. The primary focus of the work of the Co-Chairs of the Standing Committee on Victim Assistance and Socio-Economic Reintegration has been to assist national authorities responsible for healthcare, rehabilitation, social services, employment, or disability issues more generally in the process of setting their own specific and measurable objectives and developing and implementing plans of action. Where plans for the disability sector already exist, the focus has been on ensuring that mine survivors have access to the services and benefits enshrined within those plans and that the relevant ministries are aware of their State’s obligations under the Convention.

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The Cartagena Action Plan, adopted by States Parties at the 2009 Second Review Conference of the Anti-Personnel Mine Ban Convention, reaffirmed “*the fundamental goals of preventing mine casualties and promoting and protecting the human rights of mine survivors, and addressing the needs of mine victims, including survivors, their affected families and communities*” and aimed to build “*on the Nairobi Action Plan and the accomplishments made in its application as well as the conclusions on implementation as reflected in the documents adopted at the Nairobi Summit on a Mine-Free World*”.¹⁵ Through the Cartagena Action Plan, the States Parties resolved to provide assistance to mine victims, in accordance with applicable humanitarian and human rights law. The Cartagena Action Plan includes 14 actions that are relevant to assisting the victims. These actions address issues of inclusion, coordination, understanding the challenge, data collection, legislation and policies, planning, monitoring and evaluation, the involvement of relevant experts, capacity building, accessibility, including to appropriate services, good practice, awareness raising, resource mobilisation, inclusive development and regional and bilateral cooperation.¹⁶



Regular opportunities to review progress in meeting the needs of landmine survivors are afforded by the annual Meetings of the States Parties, which are mandated to consider “*international cooperation and assistance in accordance with Article 6*”.¹⁷ In addition, meetings of the Standing Committee on Victim Assistance and Socio-Economic Reintegration – one of four Standing Committees established by the States Parties – provide an informal opportunity for reports on progress, expressions of need and indications of available assistance. This is a particularly relevant forum for mine-affected States Parties to the Convention to communicate to the broader community their definition of the problems they face; their plans to address these problems; progress that has been made; and priorities for assistance.



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A more formal means of communication on victim assistance exists through the Convention's annual reporting obligations in Article 7. While reporting on victim assistance is not required, States Parties are encouraged to provide information through the use of the reporting format's voluntary Form J on measures being taken to fulfil their responsibilities.

Protocol V to the 1980 Convention on Certain Conventional Weapons provides similar responsibilities towards the victims of ERW other than landmines. Article 8, paragraph 2 of the Protocol requires that States Parties "in a position to do so" provide assistance "*for the care and rehabilitation and social and economic reintegration of victims of explosive remnants of war*". In 2008, a plan of action for victim assistance was adopted by the States Parties to Protocol V.

The victim assistance provisions of the 2008 Convention on Cluster Munitions are particularly far-reaching. The Convention makes the provision of assistance a formal requirement for all States Parties with victims, and calls for international assistance. The Convention formally defines a 'victim' as including not only the affected individual, but their families and affected communities, and stipulates that victim assistance should be rights-based and in line with other relevant national strategies, including for disability and development. Drawing on lessons learned from the implementation of the Anti-Personnel Mine Ban Convention, the Convention on Cluster Munitions outlines obligations that have the potential to promote focused, measurable, coordinated, result-oriented, and age- and gender-sensitive victim assistance efforts. (For more details see [Appendix 4](#))

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A formal means of communication on victim assistance exists through the Convention's annual reporting obligations in Article 7. States Parties are required to submit an annual report on the “*status and progress of implementation of its obligations under Article 5 ... to adequately provide age- and gender- sensitive assistance, including medical care, rehabilitation and psychological support, as well as provide for social and economic inclusion of cluster munition victims and to collect reliable relevant data with respect to cluster munition victims*”.¹⁸

Efforts to implement the Anti-Personnel Mine Ban Convention, the Convention on Cluster Munitions and Protocol V of the Convention on Certain Conventional Weapons recognise that victim assistance is not only about medical treatment or rehabilitation but is a human rights issue. As noted in the Final Report of the Second Review Conference of the Anti-Personnel Mine Ban Convention, the UN Convention on the Rights of Persons with Disabilities records what is required to promote the full and effective participation and inclusion of (...) survivors in the social, cultural, economic and political life of their communities, and provides a standard by which to measure victim assistance efforts.¹⁹ The increased awareness and understanding within the mine action community of the importance of linking victim assistance to other relevant national policies, strategies and programmes, including for disability, health-care, rehabilitation and poverty reduction has the potential to ensure long-term sustainability of efforts.



Prosthetics workshop | Cambodia

RESPONDING TO THE NEEDS OF VICTIMS

The Anti-Personnel Mine Ban Convention has been a significant success in that, for the first time in a legally-binding international treaty, the aspirations of mine victims in particular, and persons with disability in general, have been addressed. However, the complexities associated with the level of development of many affected countries has meant that progress on the part of national authorities in fulfilling these aspirations has been slow.

There is now a much clearer understanding of the challenges faced in addressing the rights and needs of victims and other persons with disabilities. In particular, the need to address the persistent challenge of translating increased understanding on victim assistance into tangible improvements in the quality of daily life of mine, cluster munition and other ERW victims on the ground. According to the Final Report of the Second Review Conference of the Anti-Personnel Mine Ban Convention, the main challenges include: disability rights often not seen as a priority by policy makers; weak capacity to address disability issues at all levels; limited or lack of inclusion of persons with disabilities in decision making processes; limited disability-related data for planning purposes; services not meeting the needs in terms of both quantity and quality; limited or lack of accessibility to services and opportunities in rural areas; weak State structures and hence weak bureaucratic, human resource, technical and financial capacity to develop, implement and monitor objectives, national plans, and legislation in a transparent manner; inadequate resources to build government capacity to provide services in rural areas; lack of sustainability of national ownership, interest and will when faced with other competing priorities; and, inadequate long-term international cooperation and assistance in both the provision of financial resources and technical support and in linking of resources to identified needs.²⁰

Access to care

Accessibility is a key issue in enabling survivors to live independently and participate fully in all aspects of life, by ensuring equal access to the physical environment, services, communications and information, and identifying and eliminating obstacles and barriers to accessibility. However, most healthcare, rehabilitation and socio-economic reintegration services are located in urban centres, and are often long distances away from the affected rural areas where the majority of survivors live. The extent of community-based rehabilitation programmes remains limited. Access to services is further hampered by the lack of transport, including insufficient awareness of available services, the non-existence or deficiency of referral systems and bureaucratic obstacles. Whereas emergency care is mostly free of charge, continuing medical care, rehabilitation, counselling and socio-economic services are not affordable. Even if the services are free, transport, accommodation and food usually are not. Economic constraints often prevent people from leaving their homes for needed care.

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Variety and effectiveness of assistance

The majority of resources for victim assistance continue to be directed toward medical care and the provision of orthopaedic appliances. Although there are vocational training programmes, this training does not necessarily lead to employment or a sustainable income. Programmes do not always meet market demand, and there may not be job placement services or sufficient follow-up for income generation projects. Additionally, people with a disability are often not eligible for regular vocational training or micro-credit schemes. Special or inclusive education remains limited, as does the capacity of teachers to deal with special needs of children with disabilities.

Psychosocial support remains limited due to a lack of capacity and lack of knowledge of the beneficial effects. Few formal counselling services exist. Peer support groups and family networks are often the main support systems. Despite calls for integrated rehabilitation, many actors focus on just one element of assistance and referral systems remain weak.

Capacity

Infrastructure and human resources capacity remain key problematic issues. Many healthcare, rehabilitation and reintegration facilities need upgrades and new equipment, and many have difficulties maintaining sufficient supplies. The greater part of the physical rehabilitation sector remains dependent on international support due to the high cost of materials. Ongoing technical and management training for specialised staff is essential for sustainability of projects. Associations of persons with disabilities also need appropriate training to build capacity. Building capacity at both government and non-government levels and coordination between stakeholders, including local, national and international agencies, remain priority challenges.

Rights implementation

Many affected countries have general or specific legislation to address the rights of persons with disabilities, but implementation remains weak. Several countries have introduced employment quotas for persons with disabilities and fines for non-compliance, but enforcement is often a problem. Unemployment among persons with disabilities remains high. Compensation for survivors and other persons with disabilities is often inadequate and frequently military personnel receive higher compensation than civilians. Indigenous groups, nomadic people, refugees or internally displaced people may also have less access to their right, often because they cannot produce the necessary supporting documents.

VICTIM ASSISTANCE

States can make use of a number of existing tools that have been developed in recent years. Serving as a basis for policy making, action, cooperation and understanding core responsibilities, States can apply the United Nations' Standard Rules on the Equalization of Opportunities for Persons with Disabilities. The Standard Rules, which were adopted by the UN General Assembly in 1993, while not compulsory, imply a strong moral and political commitment for States to act to equalise opportunities for all persons with disabilities, including landmine, cluster munition and other ERW survivors.



Moreover, international frameworks to protect and promote the rights of persons with disabilities continue to progress. The Convention on Rights of Persons with Disabilities was adopted by the UN General Assembly on 13 December 2006 and opened for signature on 30 March 2007. Following ratification by the 20th State, the Convention entered into force on 3 May 2008. As of May 2010, 144 States had signed the Convention with 85 ratifications. States Parties to the Convention are required to promote, protect and ensure the full enjoyment of the rights of persons with disabilities and their equality under the law. The Convention was the first human rights treaty of the 21st Century, and has the potential to make a significant improvement in the daily lives of persons with disabilities, including mine, cluster munition and other ERW survivors.

In addition, in late 2010, the World Health Organization's World Report on Disability and Rehabilitation will be released. The report aims to provide governments and civil society with a comprehensive description of the importance of disability, rehabilitation and inclusion, and recommendations for action at the national and international level based on the best available scientific evidence. The recommendations contained in the forthcoming World Report may provide additional guidance to affected States to meet their obligations to address the rights and needs of landmine, cluster munition and other ERW survivors.

VICTIM ASSISTANCE

Financial resources

As the responsibility to ensure the wellbeing of a country's population ultimately rests with the State in question, affected States should ensure that necessary resources are allocated to assist in the care, rehabilitation and reintegration of landmine, cluster munition and other ERW survivors and other victims of violence and conflict. The reality, however, is that many States in question lack the resources to adequately respond on their own. The donor community can assist in two ways: through bilateral assistance programmes aimed at more generally reinforcing healthcare, rehabilitation, reintegration and disability capacities and human rights frameworks, and, through specific mine action funds earmarked for victim assistance-related activities. Either way, long-term funding to ensure sustainability of programmes is difficult to obtain. In addition, governments in the many affected countries often lack the capacity to establish the necessary infrastructure to provide for the needs of their populations over the long-term and to increase national contributions to healthcare, rehabilitation and reintegration activities.

The ICBL notes other factors that can impede the effective provision of assistance. These include ongoing conflict, and consequent security concerns, which severely limit the ability to provide assistance to landmine, cluster munition and other ERW survivors in some countries. Entire groups of a population are excluded from assistance in some cases. Other emerging priorities for governments and non-governmental assistance providers, such as HIV/AIDS, also have an impact.

In addition to concerned governments, a number of organisations have been engaged in the provision of assistance to mine, cluster munition and other ERW survivors. The support provided by the ICRC has been particularly significant in the fulfilment of its humanitarian mission to protect the lives and dignity of victims of war and internal violence and to provide them with assistance. National and international non-governmental organisations such as Handicap International, Survivor Corps (formerly Landmine Survivors Network) and Veterans for America (formerly the Vietnam Veterans of America Foundation) have also provided significant assistance to the war wounded and other persons with disabilities.

The relationship between mine action and victim assistance

A comprehensive response to the problems caused by landmines, cluster munitions and other ERW must include the provision of assistance to victims. Therefore, the question has arisen regarding the exact role of mine action programming with respect to victim assistance.²¹ While logically ultimate responsibility for ensuring the provision of assistance falls to individual government systems for delivering healthcare, for providing rehabilitation and reintegration services, and for guaranteeing rights, indirectly all mine action programmes can play a role. However, it is not a leading role. As the UN has noted, mine action centres – structures established primarily to ultimately destroy emplaced mines and ERW – do not have the mandate, expertise or required resources.²² Mine action programmes, however, can make significant contributions, notably by collecting and disseminating data on landmine victims. In addition, they can assist by hiring persons with disabilities, including positive rather than negative images of persons with disability in their literature and by advocacy to promote the rights of landmine, cluster munition and other ERW survivors and other persons with disabilities.

There are no international mine action standards dealing with assistance to mine, cluster munition and other ERW victims given that standards for such fields of activity as healthcare, physical rehabilitation, the production and fitting of prosthetic limbs, and disability more generally, are established by leading actors with decades of experience in such domains. The United Nations, though, has developed policy guidelines for the “*scope of mine action centres and organisations in victim assistance*”.²³

ENDNOTES

- ¹ [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 1999-2004](#). (Part II of the Final Report of the First Review Conference of the States Parties to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, 9 February 2005), paragraph 64.
- ² [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 1999-2004](#). (Part II of the Final Report of the First Review Conference of the States Parties to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, 9 February 2005), paragraph 64.
- ³ Article 2, paragraph 1, [Convention on Cluster Munitions](#).
- ⁴ [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 1999-2004](#). (Part II of the Final Report of the First Review Conference of the States Parties to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, 9 February 2005), paragraph 69.
- ⁵ Handicap International, [Landmine Victim Assistance: World Report 2002](#), op. cit.
- ⁶ R.M. Coupland, [Assistance for victims of anti-personnel mines](#), op. cit.
- ⁷ [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 2005-2009](#). (Part I of the Final Report of the Second Review Conference of the States Parties to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction), Unofficial Version, 18 December 2009, paragraph 106.
- ⁸ R.M. Coupland, [Assistance for victims of anti-personnel mines: Needs, constraints and strategy](#), ICRC, Geneva, 1997.
- ⁹ Article 5, paragraph (2e), [Convention on Cluster Munitions](#); [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 2005-2009](#). (Part I of the Final Report of the Second Review Conference of the States Parties to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction), Unofficial Version, 18 December 2009, paragraph 113.
- ¹⁰ Handicap International, [Landmine Victim Assistance: World Report 2002](#), op. cit.
- ¹¹ Article 6, paragraph 3, [Anti-Personnel Mine Ban Convention](#).
- 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 1999-2004](#). (Part II of the Final Report of the First Review Conference of the States Parties to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, 9 February 2005), paragraph 85.

ENDNOTES

- ¹³ *ibid.*, paragraph 81.
- ¹⁴ Article 6, paragraph 7(e), *Anti-Personnel Mine Ban Convention*.
- ¹⁵ *Ending the suffering caused by anti-personnel mines: Cartagena Action Plan 2010-2014*, unofficial version, 11 December 2009, paragraph 1 and 4. For more details on the Nairobi Action Plan see, *Ending the suffering caused by anti-personnel mines: Nairobi Action Plan 2005-2009*, Part III of the Final Report of the First Review Conference of the States Parties to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, 9 February 2005.
- ¹⁶ *Ending the suffering caused by anti-personnel mines: Cartagena Action Plan 2010-2014*, unofficial version, 11 December 2009, Actions #23-#33, #39, #41 and #46.
- ¹⁷ Article 11, paragraph 1(c), *Anti-Personnel Mine Ban Convention*.
- ¹⁸ Article 7, paragraph 1 (k), *Convention on Cluster Munitions*.
- ¹⁹ *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 2005-2009*. (Part I of the Final Report of the Second Review Conference of the States Parties to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction), Unofficial Version, 18 December 2009, paragraph 165.
- ²⁰ *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 2005-2009*. (Part I of the Final Report of the Second Review Conference of the States Parties to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction), Unofficial Version, 18 December 2009, paragraph 122.
- ²¹ See for instance *The Role of Mine Action in Victim Assistance*, GICHD, Geneva, 2002.
- ²² UN, *Mine Action and Effective Coordination: the United Nations Policy Sectoral policy: The scope of action of mine action centres and organizations in victim assistance*, 2003, www.mineaction.org.
- ²³ UN, *Mine Action and Effective Coordination: the United Nations Policy Sectoral policy: The scope of action of mine action centres and organizations in victim assistance*, 2003, www.mineaction.org.

CHAPTER 10

AMMUNITION STORAGE AND STOCKPILE DESTRUCTION



AMMUNITION STORAGE AND STOCKPILE DESTRUCTION

SUMMARY

Despite increased efforts by the international community to minimise the risks of unintended explosions of ammunition, undesired explosions have continued to occur in ammunition storage areas, with appalling loss of life. Over the past eight years, available records show that thousands have been killed and injured by such explosions. In 2008 alone, explosions in Albania, Bulgaria, Iran, Iraq, Ukraine and Uzbekistan are reported to have caused hundreds of casualties and scattered munitions over many kilometres of previously safe land. Accordingly, the first section in this chapter identifies good practice in the safe storage of ammunition.

The remainder of the chapter addresses the issue of stockpile destruction, which is one of the five pillars of mine action. Each State Party to the Anti-Personnel Mine Ban Convention is required to destroy all its stockpiled anti-personnel mines within four years of becoming a party to it, and those States Parties in a position to do so must assist others to fulfil this obligation. The Convention on Cluster Munitions, once it enters into force, will require States Parties to destroy stockpiles of cluster munitions under their jurisdiction and control within eight years of joining the convention.

Physical destruction techniques available range from the relatively simple open burning and open detonation techniques, to highly sophisticated industrial processes. The decision to opt for any particular technique is likely to be based on cost, safety and environmental considerations, as well as the type of munitions being destroyed.

INTRODUCTION

This chapter addresses first the safe storage of ammunition. It then describes different techniques for carrying out stockpile destruction, and discusses the advantages and disadvantages of open detonation and industrial demobilisation, based on the International Mine Action Standards (IMAS). The chapter then reviews environmental concerns in stockpile destruction. Finally, it considers briefly the role of stockpile destruction within mine action.

SAFE STORAGE OF AMMUNITION

There are two main risks arising from the unsafe storage of ammunition. First, the population and environment close to ammunition storage areas (ASAs) are at risk from the unintended explosion of ammunition. Second, unless sufficiently protected, such ASAs are vulnerable to theft, especially by terrorists and other criminal groups. In developing countries ASAs may also be targeted for theft by civilians seeking to earn income from the sale of scrap metal or explosives.



Artillery shells and anti-tank mines prepared for destruction

Risks during storage of ammunition and explosives are significantly reduced by correct storage, handling and transportation methods. Ammunition is designed to be as lethal as possible when used and as safe as possible in storage, but by its very nature it contains highly reactive compounds. The level of risk is primarily dependent on:

- > physical and chemical condition of the ammunition and explosives
- > training and education of the personnel responsible for the storage and surveillance of the stockpiles
- > handling, repair, maintenance and disposal systems in place, and
- > storage infrastructure and environment.

In order to ensure the safety of ammunition up to the point of its final use it should meet the following criteria, so it is:

- > manufactured under controlled conditions and subject to quality control standards
- > subjected to handling and storage tests
- > assigned a shelf life
- > the subject of periodic inspection, and
- > stored with other ammunition that will not add additional effects should an undesired explosion occur.

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Environmental factors affecting ammunition

Ammunition is susceptible to the following environmental factors:

- > extremes of temperature
- > rapid changes of temperature
- > physical impact
- > high levels of electro-magnetic radiation
- > ingress of moisture
- > (some components are) susceptible to attack by vermin, and
- > tampering by inquisitive unqualified personnel.

In general, therefore, explosives should be:

- > kept dry and well ventilated
- > kept as cool as possible and free from excessive or frequent changes of temperature
- > protected from direct sunlight, and
- > kept free from excessive and constant vibration.

Some substances used in ammunition and explosives attract and hold moisture, which may result in the degradation of explosive performance. It may also cause them to become dangerous to handle, due to the potential for the formation of sensitive explosive crystals between the fuze and main body of the munition. Rain, dampness and humidity can cause enormous damage to ammunition and explosives in a very short time. Every effort must be made to ensure dry conditions prevail in storage and transportation. Good ventilation of explosives will keep them cool and prevent condensation.

THE DEFINITION OF STOCKPILE DESTRUCTION

The IMAS provide that, in the context of mine action, the term ‘**stockpile**’ refers to a large accumulated stock of explosive ordnance.¹ Stockpile destruction is defined as “*the physical destructive procedure towards a continual reduction of the national stockpile*”.² A State or other entity holding stocks of weapons may wish to destroy explosive ordnance as part of a disarmament process, to implement a legal obligation, upon expiry of shelf life, or for reasons of safety.³

As the IMAS notes, the transparency of the destruction programme is an important security and confidence-building measure. International organisations, national ambassadors, media and NGOs should be invited to witness the destruction process. They should also be given access to the ammunition account for anti-personnel mines in order that they can verify those destroyed against the declared stockpile levels.

TECHNIQUES FOR STOCKPILE DESTRUCTION

A wide variety of techniques exist for the destruction of explosive ordnance stockpiles. The IMAS focus on the destruction of anti-personnel mines, based on the requirements of the Anti-Personnel Mine Ban Convention and, indirectly, of Amended Protocol II to the Convention on Certain Conventional Weapons.⁴ Some examples of techniques for anti-personnel mine stockpile destruction are set out in Box 1.⁵

There were traditionally five options for the logistic disposal of ammunition and explosives; however, in the case of anti-personnel mines four of these options are banned by international treaties. The Anti-Personnel Mine Ban Convention does not permit the sale, gift or increased use in training of anti-personnel mines, and the Convention for the Prevention of Marine Pollution by Dumping from Ships and Aircraft (the Oslo Convention) has outlawed deep sea dumping.⁶ Therefore, the international community is now left with destruction as the only available option for the disposal of anti-personnel mines.

The Anti-Personnel Mine Ban Convention does not define what constitutes ‘**destruction**’. The term has been interpreted by States Parties broadly to include a number of different approaches, among others, dismantling, crushing and recycling, as well as physical detonation. States Parties are permitted to retain a small number of anti-personnel mines for the development of, and training in, mine detection, mine clearance, or mine destruction techniques, and to transfer an unlimited number for the purposes of destruction.

AMMUNITION STORAGE AND STOCKPILE DESTRUCTION

Physical destruction techniques range from the relatively simple open burning and open detonation (OBOD) techniques, contained detonation, crushing, through to highly sophisticated industrial processes. According to various estimates, the costs of demilitarisation of anti-personnel landmines range from US\$2 to US\$4 each, depending on the type of mine,⁷ although certain States have quoted higher figures. Generally, open detonation is likely to be the cheapest means to destroy stockpiles of up to one million anti-personnel landmines. It does, however, require significant knowledge of explosives engineering and close supervision of personnel as the shock wave caused by detonation may not destroy all the mines but throw some out, requiring additional EOD work in a potentially more dangerous situation.

Industrial scale demilitarisation has many advantages: mechanical disassembly, incineration in environmentally-controlled systems and the ability to operate 24 hours a day, 365 days a year. Its major disadvantage is the high capital set-up costs of design, project management, construction and commissioning. The operating costs are generally lower than OBOD (typically 50 US cents to US\$1) although high labour costs in developed countries account for a large percentage of the OBOD costs. This technique was applied successfully in Albania where all antipersonnel landmines stocks were demilitarised, in the same factory where some of the stocks (Albanian) were originally produced.

Notwithstanding this, OBOD can be a cheaper option dependent on the economy of scale. In the United States (US), for example, average OBOD costs are US\$850 per tonne, whereas industrial demilitarisation is US\$1,180 per tonne; but it must be recognised that these costs are for all ammunition types, not just anti-personnel mines. The IMAS also notes that salvage of metallic scrap or explosive waste can result in a potential income stream. Some explosive fillings of anti-personnel mines may be useful to the commercial explosive industry, while scrap steel is always in demand.⁸

In many cases, the development of such purpose-built demilitarisation facilities to enable State Parties to fulfil their obligation for stockpile destruction will be well beyond available resources and therefore may not be a practical option. Factors such as cost, location and safety may mean that OBOD is the only pragmatic and feasible option.

Box 1 | Technology: pre-process

It may be necessary to disassemble or break down anti-personnel mines prior to the destruction process. This is necessary because of limitations on the amount of contained explosive that can be incinerated, the anti-personnel mine design or the requirement for different components to have separate destruction methods. All of these methods require the movement of exposed bare explosive to the final destruction facility. Available technologies include: manual disassembly, mechanical disassembly (pulling apart, defuzing and depriming), robotic disassembly, mechanical breakdown (bandsaw, guillotine, cracker mill, rock crusher, punch), cryofracture, hydro-abrasive cutting, laser cutting, and microwave explosive melt-out. The following are brief descriptions of these techniques:

Manual disassembly

This technique implies the use of human resources to physically dismantle anti-personnel mines by manual labour using simple hand tools. It has the advantage of requiring limited capital investment, but is a labour-intensive process which results in relatively slow production rates. This method requires semi-skilled, yet well-trained staff.

Mechanical disassembly

This is the use of mechanically-operated systems to dismantle anti-personnel mines. The different technologies available, as noted above are: pull apart, defuzing and depriming. In contrast to manual disassembly, mechanical disassembly has the advantages of high production rates, it is an efficient system of work and has low staff requirements. It is environmentally friendly for this stage of the demilitarisation cycle and the technology is readily available. A major disadvantage, however, is the requirement for high capital investment. This is further complicated by the need for a wide range of equipment necessary to cope with all pre-processing and safety requirements.

Robotic disassembly

This is a fully-automated disassembly system. Similar advantages and disadvantages to mechanical disassembly, however the initial capital costs are much greater. This system would only be economically efficient for very large production runs due to the high start-up costs.

Mechanical breakdown

This process is mainly concerned with techniques required to expose the explosive fillings of anti-personnel mines prior to the destruction phase. There are low staff requirements for mechanical breakdown, and it is an environmentally friendly operation during this stage of the demilitarisation cycle. The technology is now readily available and there is no secondary waste stream, which reduces scrap salvage and disposal costs. A major disadvantage is the requirement for high capital investment. This is further complicated by the need for a wide range of equipment necessary to cope with all pre-processing and safety requirements. Production rates per machine can be slow and there is always the danger of explosion of the anti-personnel mines during processing.

Box 1 | Technology: pre-process

Cryofracture

This process is used to break down an anti-personnel mine into small enough pieces to be processed through an incineration destruction method. It involves the use of liquid nitrogen to change the mechanical properties of the munition casing to a more brittle phase by cooling it to minus 130°C. The munition can then be easily shattered using simple mechanical shear or press techniques. A cryogenic wash out system is in the early stages of development. The principle is similar to cryogenic fracture; except that the filling is attacked with liquid nitrogen in order to make its removal easier.

Cryofracture is an environmentally friendly technique during this stage of the demilitarisation cycle with low staff requirements. The technique can also be used for any other type of munition, explosive or propellant with limited pre-preparation of the munition required. There is no secondary waste stream, hence cutting final disposal costs. In financial terms low capital investment only is required for set up costs. Sensitivity tests have shown that even at minus 196°C there is little change to the insensitiveness of the munition.

Hydro-abrasive cutting

Hydro-abrasive cutting (HAC) is the use of water and abrasives at pressures from 240 to 1,000 bar to cut open anti-personnel mines bodies by an erosive process. There are two distinct technologies; 1) "entrainment" or 2) "direct injection". Research has now proven that the direct injection technology should be the preferred option for safety reasons. There are low staff requirements for HAC systems and a wide range of target munitions can be attacked. The explosive safety of systems is well proven and it is a cost-effective technique in comparison to other pre-processing methods. The major disadvantage is the requirement for initial high capital investment for infrastructure. The systems also produce contaminated waste-water, which requires a complex filtration system to clean it up. In terms of post-process operations, the explosive content is "grit sensitised" and requires careful handling during any further processing or destruction to avoid inadvertent detonation.

Laser cutting

This technology is still in the research phase in the US.

Microwave melt-out

This technology is under development in the US. It uses microwaves to heat up TNT-based explosive fillings. It is a rapid, clean technique but has one major disadvantage: the lack of control over heating can lead to the formation of "hot spots" with a resultant initiation of the filling. Work continues on its development, but it is not yet a feasible production technique. It is more energy efficient than steam and improves the value of any recovered explosives.



ENVIRONMENTAL CONSIDERATIONS IN STOCKPILE DESTRUCTION

Concerns have been expressed as to the environmental consequences of destroying certain mines by open detonation, both by the State holding the stockpiles and also potential donors,⁹ which may fall foul of national or international environmental legislation and guidelines.¹⁰ For instance, the PFM-1 remotely-deliverable anti-personnel mine contains hydrogen chloride, the open detonation of which may lead to unacceptable environmental pollution. One solution may be contained detonation in a pollution control chamber as the mine cannot be disassembled.

Traditionally, military organisations are usually responsible for the destruction of anti-personnel mines using OBOD techniques, while civilian companies use industrial demilitarisation. The availability, or not, of qualified manpower may have a significant influence on the destruction technique to be used. Certain destruction techniques result in the production of ‘special’ or ‘hazardous’ waste, which itself requires destruction or disposal in an environmentally benign manner. This is usually done by a specialist environmental disposal company.

In Europe, many nations have banned OBOD of all munitions unless there is no alternative and it can only be justified on safety grounds. This has necessitated the construction of expensive demilitarisation facilities, hence the requirement for the disposal of ammunition types other than anti-personnel mines and the necessity for economies of scale if pursuing this option. The argument as to the environmental effect of OBOD is still ongoing. Sound scientific evidence has been developed to support a case that OBOD of certain anti-personnel mine types may not be a threat to the environment. This means that OBOD still remains a viable destruction option for anti-personnel mines and may well be the most suitable option for regions with little or no industrialised demilitarisation capacities.

There are also internationally-accepted standards for the determination and measurement of air pollution from industrial processes. These standards apply to any pollution control systems used during industrial demilitarisation operations,¹¹ but only in terms of the measurement of emissions as the standards do not provide any guidance on what the overall emission limits

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should be: this remains the responsibility of the national authority. The only supra-national legislation that covers emissions into the atmosphere from the incineration of hazardous waste is the European Union Council Directive 91/689/EEC of 12 December 1991 on hazardous waste.¹² This provides a comprehensive standard and is in use by all European Union countries and those countries with associate status. It does not prohibit open detonation.

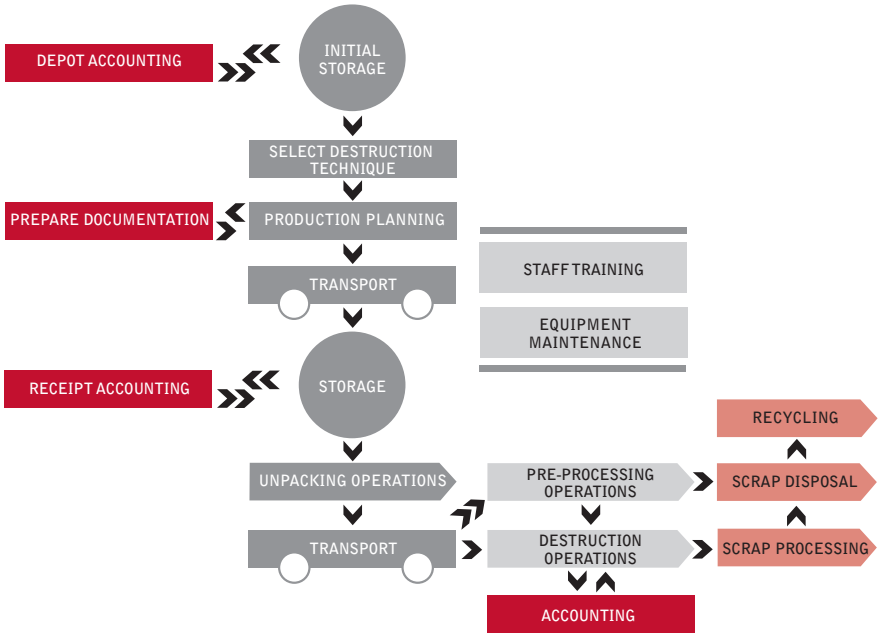
DETERMINING THE APPROPRIATE TECHNOLOGY FOR STOCKPILE DESTRUCTION

According to the IMAS, there are so many inter-relational factors involved in anti-personnel mine stockpile destruction that it is not possible to provide 'template solutions'.¹³ The selection of the most suitable technique or technology by a national authority will depend primarily on the resources available, the physical condition and quantity of the stockpile, the national capacity and the applicable environmental and explosives legislation.¹⁴ For instance, the stability in storage and degradation or deterioration rates of the explosive content will influence the degree of urgency for disposal, type of transport that can safely be used and destruction methodology.

The IMAS note that, although current anti-personnel mine stockpiles tend to be relatively small in terms of weight and net explosive content, they are typically large in quantity and the destruction of the stockpiles can be a complex logistic operation.¹⁵ It must be remembered that the physical destruction process of anti-personnel mines is only one process of the complete demilitarisation cycle. The processes in this cycle must be considered in parallel with the technical factors before a final disposal solution is produced.

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Figure 1 | The demilitarisation cycle



As Figure 1 illustrates, the demilitarisation cycle is complex, comprehensive, wide-ranging and includes activities such as transportation and storage, processing operations, equipment maintenance, staff training and accounting. Stockpile security is obviously an important issue. Every effort must be taken to ensure the physical security of anti-personnel mines during storage, transportation and processing.

In terms of stockpile destruction, anti-personnel mines are no different to other types of munitions. They all contain fuzing systems and high explosives so the inherent dangers present during transport, storage, processing and destruction are generally the same. For this reason, the IMAS recommend that the stockpile destruction of anti-personnel mines should not be looked at in isolation.

There is, however, one notable difference. In many mines, the detonator, which is the first stage in the explosive chain, is kept separate from the body of the mine and is not inserted until laying. This is not the case for many other types of ammunition, e.g. rockets or mortar ammunition, where generally the ammunition main charge is transported and stored complete with the fusing

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mechanism.

An influential factor in determining the method of anti-personnel mine stockpile destruction is likely to be economies of scale. The greater the number of anti-personnel mines requiring destruction, the larger the economies of scale and therefore the wider range of available technology. National authorities may wish to consider anti-personnel mine destruction on a regional basis, and/or to include other ammunition in the destruction plans, in order to achieve economies of scale. For example, the destruction of anti-personnel mines could be done in conjunction with the disposal of large-calibre artillery shells. These can then act as booster charges for the anti-personnel mines, thereby reducing the costs of explosives during open detonation disposal operations.

It is generally suggested that a national stockpile destruction programme be overseen by staff with the necessary technical skills and experience to manage large-scale ammunition destruction. There may be significant numbers of staff who have good demining skills, but quite limited EOD skills, including for stockpile destruction. Most national armies do, however, have highly skilled ammunition managers who are very capable in this area.

TECHNIQUES FOR DESTRUCTION OF STOCKPILES OF CLUSTER MUNITIONS

A range of techniques are recommended for the practical destruction of cluster munition stockpiles, ranging from open detonation to closed detonation or incineration, disassembly, cryofracture and “harvesting” of explosives.

Open detonation

Open detonation techniques may be the only practical solution to destroy stockpiles of cluster munitions for certain countries. This is especially the case where the numbers to be destroyed are limited and where there is no suitable industrial base to develop alternative techniques. It is not, however, suitable for large-scale destruction of cluster munition stocks. Very careful positioning and calculation of donor charges is necessary to ensure the destruction of all submunitions and supplementary charges. Incomplete detonation of submunitions may result in ‘throw-outs’, requiring additional EOD work in a potentially more dangerous situation.

Closed detonation

Two techniques for closed detonation have been used successfully for cluster munitions destruction: detonation deep underground in worked-out mines in Norway; and destruction in closed detonation chambers.

Closed incineration

Complete cluster munitions cannot be incinerated but explosive components can be incinerated after the munitions have been broken down. Pre-treatment may include the removal of fuzes from submunitions (after which the fuzes can be incinerated), the removal or deformation of the cones of shaped charges and, in the case of rocket-fired cluster munitions, breaking down the rocket motors into segments suitable for incineration. Closed incineration requires highly specialised explosive waste incinerators with pollution control systems to prevent the emission of noxious gases.

Disassembly

According to an expert, cluster munitions of Soviet manufacture may be particularly suitable for destruction by disassembly. This technique has the advantage of requiring limited capital investment, but is a labour-intensive process which results in relatively slow production rates. This method requires semi-skilled, yet well-trained staff. A problem during manual disassembly is that certain munition types are designed to arm on separation from the canister, which increases risk during the demilitarisation process.

Disassembly is not a complete solution to cluster munition destruction, because the explosive components require further treatment after disassembly. This may involve closed incineration or cryofracture.

Cryofracture

This technique is widely used for the neutralisation of small submunitions such as the M42, M46 and M77 grenades disbursed by artillery cluster munitions. The grenade fuzes are cut off mechanically before the grenades are passed through a bath of liquid nitrogen to embrittle their structures. They are then crushed to expose the explosive filling and passed under a flame in an enclosed environment to ignite the explosives, which burn to extinction. The metal scrap is then separated into ferrous and non-ferrous elements.

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“Harvesting” of components of cluster munitions

In Cambodia, the Explosive Harvesting Project of the Golden West Humanitarian Foundation takes place in a town about one hour’s drive from the capital, Phnom Penh.¹⁶ A cutting machine, located behind protective walls and embankments, is used for demilitarisation. The machine can cut ammunition safely, which allows the explosives to be recycled and the metal casing to be turned into scrap, for example, for use in the construction industry. Shaped-charge artillery submunitions harvested by the process have been used for EOD operations, which may also have the advantage of providing donor charges for mine clearance. In some countries, lack of explosives has been cited as an obstacle to fulfilling clearance obligations under the Anti-Personnel Mine Ban Convention.

THE ROLE OF STOCKPILE DESTRUCTION WITHIN MINE ACTION

On 17 August 2000, the UN Inter-Agency Co-ordination Group on Mine Action agreed that stockpile destruction be formally incorporated as the fifth core component of mine action. Accordingly, the IMAS developed under UN auspices, also deal with stockpile destruction. In addition, the stockpile destruction section of the UN’s Electronic Mine Information Network (E-MINE) provides a consolidated reference point containing technical papers, policy guidelines, lessons learned and other relevant information on the destruction of stockpiles.¹⁷

The UN has a general responsibility to encourage and support the effective management of stockpile destruction programmes. Thus, for example, according to the UN Development Programme (UNDP), stockpile destruction should form part of each integrated mine action programme that UNDP supports.¹⁸ The GICHD also provides technical assistance for the destruction of stockpiles to States requesting it.¹⁹

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AMMUNITION STORAGE AND STOCKPILE DESTRUCTION

ENDNOTES

- ¹ **IMAS 04.10**, Second Edition, 1 January 2003 (incorporating amendment numbers 1, 2 & 3) Definition 3.244.
- ² **ibid.**, Definition 3.245.
- ³ **IMAS 11.10**, Second Edition, 1 January 2003 (incorporating amendment numbers 1, 2 & 3), Section 6.11, p. 6.
- ⁴ See **IMAS 11.10**, **11.20** and **11.30**, Second Edition, 1 January 2003.
- ⁵ These are taken from the Electronic Mine Information Network (E-MINE) website maintained by UNMAS, available at www.mineaction.org.
- ⁶ **Convention for the Prevention of Marine Pollution by Dumping from Ships and Aircraft**, adopted in Oslo on 15 February 1972.
- ⁷ **IMAS 11.10**, Second Edition, 1 January 2003, p. 4.
- ⁸ **ibid.**, p. 7.
- ⁹ **IMAS 11.10**, Second Edition, 1 January 2003, p. 3.
- ¹⁰ The NATO Maintenance and Supply Agency (NAMSA), for instance, will not award contracts for stockpile destruction by open detonation.
- ¹¹ See www.iso.ch.
- ¹² Further information on the background and contents of the directive may be found on the EU website europa.eu.int/scadplus/leg/en/lvb/l21199.htm.
- ¹³ **IMAS 11.10**, Second Edition, 1 January 2003, p. vi.
- ¹⁴ **ibid.**, p. 6.
- ¹⁵ **ibid.**, p. vi.
- ¹⁶ See Golden West Humanitarian Foundation, 'Transforming Weapons of Warfare into Tools for Peace', www.goldenwesthf.org/index.php?option=com_content&task=blogcategory&id=3&Itemid=3#cambodia.
- ¹⁷ See www.mineaction.org.
- ¹⁸ Statement by UNDP on the Status of UN Support to Stockpile Destruction to the Intersessional Standing Committee on Stockpile Destruction, Geneva, 6 February 2003.
- ¹⁹ See www.gichd.org.

CHAPTER 11

COORDINATING STRUCTURES FOR NATIONAL MINE ACTION PROGRAMMES AND NATIONAL MINE ACTION LEGISLATION



COORDINATING STRUCTURES FOR NATIONAL MINE ACTION PROGRAMMES AND NATIONAL MINE ACTION LEGISLATION

SUMMARY

Ultimate responsibility for mine action remains with the government of the affected country. Typically, a national mine action authority, usually an inter-ministerial body, will be responsible for broad oversight of mine action. The day-to-day coordination of the programme is carried out by a mine action centre.

It is normally desirable that the government of a mine and ERW-affected country enact enabling legislation in support of its mine action programme. This enabling legislation focuses, among other things, on the mandate for the managing and coordinating institutions. In a few cases, national mine action legislation has been combined with domestic legislation to implement the provisions of the Anti-Personnel Mine Ban Convention, which includes the establishment of penal sanctions for violations of the core obligations.

INTRODUCTION

This chapter looks first at the mechanisms for coordinating mine action. It begins by explaining the need for coordination and then defines the two key organs at national level – the national mine action authority and the mine action centre – and describes their functions. It then describes the work of key actors engaged in supporting the development of national capacities for coordination and management of mine action, especially the UN Development Programme (UNDP) and the UN Mine Action Service (UNMAS). The remainder of the chapter focuses on the need and suggested content of enabling legislation in support of the national mine action programme.

THE MANAGEMENT AND COORDINATION OF MINE ACTION

It is well established that the primary responsibility for mine action lies with the government of the mine-affected State.¹ This responsibility is normally vested in a National Mine Action Authority (NMAA), which is charged with the policy, regulation and overall management of a national mine action programme, as well as resource mobilisation, particularly from the government.² Typically an inter-ministerial body, the NMAA is ultimately responsible for all phases and facets of a mine action programme within its national boundaries, including the national mine action strategy, national mine action standards, and instructions.³

The operational arm of the NMAA is the Mine Action Centre (MAC).⁴ This body is the focal point for mine action activities on the ground. It carries out the policies of the NMAA and coordinates the day-to-day work of the various organisations and agencies conducting mine action operations. Together, the NMAA and the MAC should comprise the principal organs managing and coordinating mine action in a mine and ERW-affected country.

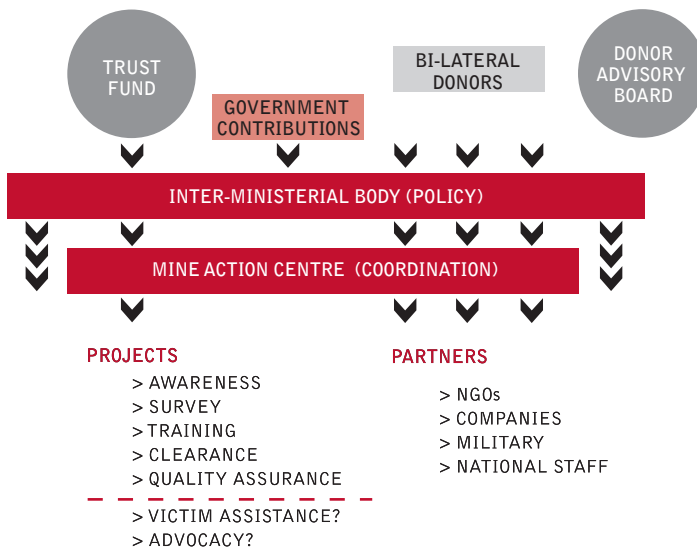
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In some cases, the MAC coordinates a large number of operators and controls relatively large amounts of money, while in others it has more modest functions. In other cases, such as Angola and Cambodia, the MAC has controlled its own operational demining teams. This approach proved to be less successful though, as the MAC became too focused on the work of its own teams and was not able to effectively undertake its national coordination functions. It also led to a conflict of interest, whereby the MAC, as the regulatory body, was being both ‘referee’ and ‘player’.⁵

An example of a recommended national mine action structure is set out in Figure 1 below.⁶ As is seen, in addition to the national mine action authority and the mine action centre, a number of other bodies may have input into the national mine action programme, most notably donors. There may also be technical committees or working groups set up, either under the Authority or the Centre, to which certain responsibilities are devolved.

Figure 1 | National mine action structure



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KEY INTERNATIONAL ACTORS SUPPORTING THE DEVELOPMENT OF NATIONAL CAPACITIES FOR PROGRAMME MANAGEMENT AND COORDINATION

One of the principal roles of the mine action assistance provided by the UNDP is to support national and local capacity building, including the establishment of an NMAA and supporting MAC. Similarly, UNMAS has created mine action coordination centres in a number of countries emerging from armed conflict, typically where there is a UN peacekeeping mission in operation.

In June 2005, the Inter-Agency Coordination Group on Mine Action endorsed and approved a new five-year policy for UN support to mine action: *Mine Action and Effective Coordination: The United Nations Inter-Agency Policy*. It outlines the respective roles and responsibilities of the many UN agencies and bodies engaged in mine action; a summary is set out in Box 1.

Regional organisations, notably the Organization of American States (OAS), have focused on a regional approach to demining and the coordination of mine action activities in the Americas. In addition, a number of States, for example the US, have also provided bilateral assistance to set up national MACs, typically referred to as 'national demining offices'.

As part of its support to national capacity-building, the GICHD has provided training and technical assistance to many mine-affected nations in the areas of legislation, planning and management of mine action programmes, as well as in techniques for demining and mine risk education. It also plays a major role in assisting States to develop national mine action standards.

Box 1 | The roles and responsibilities for mine action within the United Nations*

The vision of the United Nations is a world free of the threat of landmines and explosive remnants of war (ERW), where individuals and communities live in a safe environment conducive to development, and where the needs of mine and ERW victims are met and they are fully integrated into their societies.

To ensure the most effective and appropriate response to the landmine threat, United Nations mine action activities promote national ownership, institution-building and capacity development, and are contingent on adherence to the core requirements of the IMAS.

Fourteen United Nations departments, programmes, funds and agencies are involved in mine action to varying degrees, in accordance with their mandates, areas of expertise and comparative advantages. These are: the Department of Peacekeeping Operations (DPKO), the United Nations Mine Action Service (UNMAS), the Department of Disarmament Affairs (DDA), the United Nations Development Programme (UNDP), the United Nations Children's Fund (UNICEF), the United Nations Office of Project

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Services (UNOPS), the Food and Agriculture Organisation (FAO), the Office for the Coordination of Humanitarian Affairs (OCHA), the Office of the Special Advisor on Gender Issues (OSAGI), the Office of the High Commissioner for Human Rights (OHCHR), the United Nations High Commissioner for Refugees (UNHCR), the World Food Programme (WFP), the World Health Organization (WHO) and the World Bank.

They coordinate their activities in the context of the Inter-Agency Coordination Group on Mine Action (IACG-MA), chaired by the Under-Secretary-General for Peacekeeping Operations at the Principals level, and by the Director of UNMAS at the working-level. All mentioned the departments, programmes, funds and agencies are members of the IACG-MA, except for the World Bank, which acts as an observer.

United Nations mine action is carried out in the field under the overall coordination of the Senior United Nations Official and the United Nations Country Team (UNCT). When confronted with a landmine or ERW problem, the Senior United Nations Official is encouraged to seek advice from UNMAS, which refers the matter for discussion in the IACG-MA. The Senior United Nations Official may also consult with competent staff of United Nations mine action team members present in the country or region. If the problem is of sufficient importance, the Senior United Nations Official and the UNCT may designate a sectoral lead agency for mine action and assign responsibilities within the UNCT for different aspects of mine action, taking into account the competencies and comparative advantage of the different United Nations partners, and the advice received from the IACG-MA.

Competencies and activities of United Nations Mine Action Team members

UNMAS is a division of DPKO, and is the focal point for mine action in the United Nations system. It seeks to ensure an effective, proactive and coordinated United Nations response to landmine contamination through collaboration with United Nations departments, agencies, funds and programmes.

UNDP provides comprehensive support to national mine action programmes in the full range of mine action activities, at the request of mine-affected states. Through its country offices and the Mine Action Team of its headquarters-based Bureau for Crisis Prevention and Recovery, UNDP assists mine-affected countries to establish or strengthen national /local mine action programmes to undertake all elements of mine action.

UNICEF has central to its mandate the protection and promotion of the rights of children affected by armed conflict. In collaboration with its partners (government, other United Nations agencies and funds, international, regional and non-governmental organisations), UNICEF principally supports the development and implementation of MRE projects and associated humanitarian activities.

UNOPS, working with UNMAS, UNDP and other mine action partners, is a principal service provider in the field of mine action. UNOPS is able to provide services to both mine action programmes managed or supported by the United Nations and is able to provide continuity in implementation during any transition that may take place among United Nations agencies or between the United Nations and national governments.

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Box 1 | The roles and responsibilities for mine action within the United Nations*

DDA advises and assists the Secretary-General in the discharge of his responsibilities and implements the mandates entrusted to him in capacity as depositary of the Anti-Personnel Mine Ban Convention and CCW and its protocols.

OCHA's mission is to mobilise and coordinate effective and principled humanitarian action in partnership with national and international actors. OCHA is actively involved and represented in the different coordination mechanisms established by the United Nations mine action team, governments, donors and other partners at the global, regional and national levels.

UNHCR has central to its mandate the protection and promotion of the rights of refugees and others of concern to the High Commissioner. In collaboration with its partners, UNHCR recognises and supports in a number of countries, the mine clearance programmes and MRE projects and associated humanitarian activities that are linked to refugee return and reintegration.

WFP uses food to meet emergency needs and to support economic and social development. WFP's involvement in mine action relates to its mandate to provide food assistance, and is focused on: supporting mine action in situations where humanitarian food responses are restricted by landmines or ERW; food cannot reach targeted beneficiaries and using food to assist community-based programmes that are directly linked to mine clearance programmes. WFP's assistance may be provided where food aid supports the work of other agencies and where it is an appropriate intervention resource.

WHO is responsible for the development of appropriate standards and methodologies, as well as the promotion of health service capacity building for sustainable victim assistance, through the Ministries of Health of affected countries. It provides public technical health support to the various UN partners involved in mine action, and cooperates closely with UNICEF and the International Committee of the Red Cross.

* The full text of the UN policy on mine action is set out in Appendix 9 to this Guide.

THE NEED FOR NATIONAL MINE ACTION LEGISLATION

States have used various kinds of legal instruments to create an NMAA and/or a MAC and to regulate mine action activities. These include laws passed by parliament, decrees, orders or similar legal instruments issued by the cabinet or office of the chief executive (prime minister or president) or by a government ministry. However, mine and ERW-affected countries are strongly encouraged to adopt national legislation to coordinate and regulate mine action.

National legislation refers to a public law passed by the country's legislative body (e.g. parliament or congress) and approved by the country's head of state.⁷ National legislation is preferred because it is normally the product of an extensive collaborative process between the executive, the national

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parliament and, in some cases, external agencies. This process provides an opportunity for a thorough consideration of the mine action issues, the activities to be undertaken, and the implications of the proposed law. It also allows for provisions on the responsibility of the executive to submit periodic reports to the legislature on the progress achieved in the mine action programme, making it easier for the legislature to hold the government to account.



THE CONTENT OF NATIONAL MINE ACTION LEGISLATION

As reflected in the GICHD's A Study of National Mine Action Legislation, some laws regulating mine action have been deficient in important areas. Some laws have, for example, not provided adequate mandates to the NMAA or MAC, have failed to comprehensively cover the range of activities comprising mine action, or have not been the result of extensive consultation between the various government ministries and departments which need to be involved in mine action. As a result, governments have had to amend or promulgate new laws to address problems that have arisen.

Mine action legislation must include certain specific elements if it is to be comprehensive and achieve its goals. These include provisions on

- > the establishment of the NMAA
- > the establishment of the MAC (and of any regional/provincial MAC)
- > the implementation of mine action activities, and
- > accreditation and monitoring of mine action operators.

The National Mine Action Authority

As described above, the NMAA is the principal entity responsible for overseeing mine action in the affected country. One of the purposes of mine action legislation is to create the NMAA and outline its functions. Legislation should include clear provisions in the following areas:

1. **The establishment of the NMAA**

The legislation should state clearly that an NMAA is to be created and that it shall meet regularly. The law should also indicate which government ministry or department or member of the executive is to oversee the work of the NMAA.

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2. Membership

Mine action legislation should identify the ministries and /or officials who are to be members of the NMAA. Such bodies typically include officials from the government ministries or departments associated with mine action activities (e.g. Ministries of Agriculture, Defence, Education, Foreign Affairs, Health, Interior, and Social Services). The NMAA could also include representatives of international organisations and other bodies or organisations involved in mine action. These entities are sometimes invited to participate as observers in the NMAA's work.

The law should also identify which ministry or department is to chair its meetings and which is to act as the secretariat for the NMAA, if the Mine Action Centre does not perform this function.

3. Responsibilities

Mine action legislation should specify that the NMAA is the body charged with overall responsibility for mine action within the country. In this regard, it is responsible for the broad strategic and policy decisions related to mine action. In particular, the law should indicate that the NMAA is responsible for:

- > the overall implementation of mine action legislation
- > adopting a national policy, strategy, priorities and annual workplan to reduce the impact of mines and ERW (ie a national mine action plan)
- > reporting on the progress made on mine action to parliament, the public, donors, the United Nations and other relevant fora
- > overseeing the work of the Mine Action Centre, and
- > fundraising from national resources and the donor community.

The Mine Action Centre

The Mine Action Centre is the operational body which executes the policies of the NMAA and is the focal point for coordinating day-to-day mine action activities on the ground. In contexts where the mine and ERW problem is severe, the centre will have a wide range of responsibilities and duties.

Below are the principal points governing the creation of a MAC that will need to be considered in developing national mine action legislation.

1. The establishment of the national MAC and any regional/provincial offices

Similar to the NMAA, the MAC should be clearly established by the legislation and identified as the body coordinating mine action within the country.

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2. Funding

The law should indicate the source of the MAC's funding. Its activities, including the salaries of its staff, are typically drawn from the national budget of the affected State. This will help ensure that the MAC has a reliable source of funding and can plan its activities accordingly. In addition to national funds, funds may also be obtained from international donors, private sources and other similar funding sources.

3. Responsibilities

As the body overseeing mine action at the operational level, the MAC will need to be charged with a range of responsibilities. Effective mine action legislation should give the MAC the authority to perform the following tasks:

- > coordinate mine action within the country
- > manage and disseminate mine action information
- > prepare and implement a national mine action strategy and plan and annual workplans
- > set criteria for mine action priorities
- > accredit mine action operators and monitor mine action activities
- > draft national mine action standards
- > task mine action activities according to the national workplan
- > ensure the quality management of mine action activities, and
- > act as the secretariat for the NMAA.

It is also useful to grant the MAC the authority to adopt subsidiary or administrative directives or regulations related to the above tasks. In addition to the above responsibilities, many administrative and procedural issues, such as employee regulations and the requirements for the accreditation of mine action operators, will also need to be developed. Such measures are not normally included in mine action legislation but left to internal orders and regulations. Nonetheless, legislation may give the MAC the authority to develop such regulations when necessary and submit them to the NMAA for approval. Depending on the operational structure, the MAC may not necessarily be the body that coordinates advocacy, victim assistance or stockpile destruction.

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The implementation of mine action activities

Mine action legislation must identify the components of mine action that will take place within the country. As the principal coordination body for mine action, oversight of most activities will be the responsibility of the MAC. The Centre may undertake some operations itself but more typically coordinates the interventions of the government ministries, international organisations, NGOs and commercial operators.

The specific activities required in a particular country will vary depending on the nature of its mine and ERW problem. Mine action legislation should be designed to address the specific needs in the national context. The following operations are common to situations where the mine and ERW problem is severe. Consequently, these activities should normally be included in mine action legislation.

The survey, mapping and marking of mined and ERW-contaminated areas

One of the primary activities often undertaken by the MAC is the identification, recording and marking of areas dangerous due to the presence of mines and ERW. These activities are the starting point for other mine action activities, such as mine and ERW clearance, mine risk education and coordination of the activities of external agencies or local operators. Including these activities in mine action legislation should provide the legal basis for granting surveyors and other personnel access to contaminated territory, government officials and information to allow them to carry out their activities.



Capacity building training | Ethiopia

Clearance

Once areas contaminated by mines and ERW are identified, recorded and marked they need to be cleared. As mentioned above, mine action legislation will help clearance personnel gain access into contaminated areas and to information to facilitate their work.

Mine risk education

Teaching civilians how to live safely in mine and ERW contaminated environments is an important part of minimising the risk of becoming a victim of these weapons. Risk education is often neglected as an element of mine action legislation when in fact it should be specifically included. This would

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provide the basis for incorporating mine risk education into the curriculum of schools, where appropriate, as well as into the local and national media.

Responsibility for mine and ERW data

The MAC is responsible for collating information on the location of mine and ERW -affected areas and information on mine and ERW accidents. The MAC usually controls the main database storing this information and – in coordination with the national mapping agency – produces maps, charts and other information for use by mine action operators. Granting this responsibility in legislation will provide the MAC a legal basis to undertake these activities and help avoid potential conflicts with other national mapping agencies.

Stockpile destruction

States that have adhered to the Anti-Personnel Mine Ban Convention are obliged to destroy all stocks of their anti-personnel mines within four years of becoming a party. A number of States have included this requirement in their mine action legislation and assigned a role in this area to the MAC. Including this in legislation would be the domestic legal basis for developing regulations on the possession, transport, storage and destruction of anti-personnel mines and other similar weapons.

Victim assistance

Providing medical care, rehabilitation and reintegration to those who have been injured by mines or ERW is also an important part of mine action. Victim assistance is often the responsibility of the ministries linked to public health and social services. As the focal point for national mine action, the MAC may be given a coordinating role in this area, if one is needed, or work with the relevant ministries to help identify victims requiring medical, rehabilitative, social or economic aid. Including this activity in legislation can facilitate coordination between the various agencies involved in this area. Legislation should also address survivors' well-being through the establishment of appropriate laws in favour of persons with disability.

The accreditation and monitoring of mine action operators

Mine action should be conducted by qualified operators. Mine action legislation should require that operators be accredited prior to beginning activities in the country. This will ensure that international agencies, NGOs and commercial companies are capable of planning and managing mine action activities and competent to carry out particular mine action tasks. Requiring the accreditation of mine action operators will help ensure that mine action is conducted in accordance with accepted standards and national priorities.

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Mine action legislation should authorise the MAC to establish the criteria for accreditation and identify it as the body responsible for making such determination. The process of accreditation should include the opportunity of an appeal to the NMAA in the event of an adverse decision. Accreditation generally applies to organisations involved in demining and mine risk education and, in some cases, stockpile destruction.

Quality management is critical to the ultimate success of mine action. Thus, the MAC must also ensure that ongoing work and completed projects have been conducted according to national standards and in accordance with the priorities of the national mine action plan. In the process of mine clearance, the monitoring of organisations before and during the clearance process and inspecting cleared land prior to its formal release will ensure that the operation has been conducted safely and in accordance with the contractual obligations – and that the land is safe for its intended use. The risk management strategy in use within a MAC will form a significant part of ensuring an auditable trail of decision-making is maintained throughout the survey, clearance and handover of land process.

Additional elements to be considered

Definitions

Clear definitions are an important part of any legislation. Mine action legislation should include definitions of the mine action terms used in its provisions. These may include: mine action, demining, mine risk education, victim assistance and other definitions. Definitions for these terms can be based on the IMAS (see below): using IMAS definitions wherever possible will help ensure consistency between the standards and the terms of the legislation. However, in some instances, the definitions may need to be modified in the light of the situation on the ground in the mine and ERW-affected country concerned.

If mine action legislation is to include aspects on the implementation of the Anti-Personnel Mine Ban Convention, Convention on Cluster Munitions, or Amended Protocol II to the Convention on Certain Conventional Weapons, it is important that the legislation uses the definitions contained in those instruments. This will help ensure cohesiveness between these international treaties and the provisions of the legislation.

The implementation of international treaty obligations

Some States that are party to the Anti-Personnel Mine Ban Convention or Amended Protocol II to the Convention on Certain Conventional Weapons have also used the adoption of mine action legislation as a means to implement the requirements of these treaties. Among other things, the Anti-Personnel

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Mine Ban Convention requires the marking and clearing of mined areas, and the destruction of anti-personnel mine stockpiles. Amended Protocol II also contains obligations for marking and clearance of mines, booby-traps and other devices. These activities will often fall under the jurisdiction of the NMAA or MAC.

Other States have chosen to make the treaties the subject of separate implementing legislation. It is up to each State to decide the best method of meeting its mine action objectives and the implementation of the treaties to which it is a party.



Liability for accidents

Liability for mine and ERW accidents is a concern for many mine action operators. In recent years there have been instances where victims or families of victims have sought civil damages or brought criminal complaints for accidents which have happened in land previously certified as cleared, or where markings have deteriorated or been removed without authorisation. The case in Bosnia and Herzegovina highlighted in *A Study of National Mine Action Legislation* is an example of an instance where the family of a boy killed by a mine has brought charges against a Mine Action Centre.

The principal way to minimise the risk of such accidents is to ensure that mine action interventions are conducted according to the IMAS or relevant national standards. It is suggested that legislation state that duly accredited mine action personnel would not be liable for accidents if they acted professionally (i.e. in accordance with approved standards and Standing Operating Procedures (SOPs), and with due care).

Other possible options are to treat mine action in similar ways under national law to other dangerous activities conducted for the public benefit (e.g. law enforcement agencies or public utilities). Or legislation can limit liability or transfer responsibility to the government once land has been surveyed and marked according to SOPs, or certified as safe following clearance. In order to protect against claims or lawsuits that may arise, mine action operators should be encouraged to retain liability insurance against accidents, wherever it is available.

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The International Mine Action Standards (IMAS)

The IMAS are standards issued by United Nations to guide the planning, implementation and management of mine action programmes. They have been developed to improve safety, quality and efficiency.

The IMAS cover a wide range of issues from the accreditation of mine detection dogs to medical support for demining teams, from safety and occupational health to survey, from sampling of cleared land to the storage and transport of explosives. The IMAS also provide general information to the mine action community on existing regulations and treaties which affect mine action, particularly those referring to international humanitarian law, clearance requirements, hazard marking and general safety issues – [Appendix 8](#).

The IMAS are a framework for the development of national standards, which can more accurately reflect specific local realities and circumstances in a given country. IMAS are continuously amended and new IMAS are produced periodically based on requirements realized in mine action. The up-to-date IMAS are available online at: www.mineactionstandards.org. The current IMAS drafted and/or approved are illustrated in Figure 2 overleaf.

Mine action legislation should require that national mine action standards be developed, based on the IMAS. These national standards are country-specific and should be a practical and pragmatic reflection of the actual situation rather than merely a duplication of the IMAS. The process of drafting national mine action standards should be inclusive, lengthy and detailed. Technical Working Groups may be formed to look at the specifics of various elements of the standards, i.e. demining, mine risk education, victim assistance. The process of working through the standards will help the national programme to clearly lay out goals, objectives and strategies and will support the formulation of national legislation.

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Figure 2 | The Framework on the IMAS | June 2010

GREY: extant Standard | RED: in progress / planned

General mine action standards and guidelines

- 01.10 Guide for the application of the IMAS
- 02.10 Establishment of mine action programmes
- 03.10 Guide to procurement of mine action equipment
- 03.20 The procurement process
- 03.30 Guide to the research of mine action technology
- 03.40 Test and evaluation of mine action equipment
- 04.10 Glossary of terms and definitions
- 05.10 Information systems
- 06.10 Management of training

Management, accreditation and monitoring

- 07.10 Guide for the management of demining operations
- 07.20 Guide for the development and management of mine action contracts
- 07.30 Accreditation of demining organisations and operations
- 07.40 Monitoring of demining organisations
- 07.42 Monitoring of of stockpile destruction programmes

Land release and survey

- 08.10 General mine action assessment
- 08.20 Land release
- 08.21 Non-technical survey
- 08.22 Technical survey
- 08.30 Post-clearance documentation
- 08.40 Marking mine and ERW hazards
- 08.60 Setting priority in mine action
- 08.70 Post-clearance assessment

Mine and ERW clearance

- 09.10 Clearance requirements
- 09.11 Battle Area Clearance (BAC)
- 09.20 Inspection of cleared land | guidelines for the use of sampling procedures
- 09.30 Explosive ordnance disposal
- 09.40 Guide for the use of mine detection dogs
- 09.41 Operational procedures for mine detection dogs
- 09.42 Operational testing of mine detection dogs and handlers
- 09.43 Remote Explosive Scent Tracing (REST)
- 09.44 Guide on medical and general health care of dogs

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Figure 2 | The Framework on the IMAS | June 2010

GREY: extant Standard | RED: in progress / planned

Mine and ERW clearance (contd)

- 09.50 Mechanical demining
- 09.51 Mechanical application
- 09.52 Demining machine operator's safety
- 09.53 Quality management after mechanical clearance

Mine action safety and occupational health

- 10.10 General requirements
- 10.20 Demining worksite safety
- 10.30 Personal protective equipment
- 10.40 Medical support to demining operations
- 10.50 Storage, transportation and handling of explosives
- 10.51 Ammunition safety
- 10.60 Reporting and investigation of demining incidents
- 10.70 Protection of the environment

Anti-personnel mine stockpile destruction

- 11.10 Guide for the destruction of stockpiled anti-personnel mines
- 11.20 Principles and procedures for open burning and open detonation (OBOD) operations
- 11.30 National planning guidelines for stockpile destruction

Mine risk education

- 12.10 Mine risk and ERW education

Victim assistance

- 13.10 Guidelines for support to victims

Evaluation of mine action programmes

- 14.10 Evaluation of mine action programmes

ENDNOTES

- ¹ See, for example, *IMAS 01.10*, Edition 2, 1 January 2003, p. 3.
- ² According to the IMAS, the national mine action authority is defined as “the government department(s), organisation(s) or institution(s) in each mine-affected country charged with the regulation, management and coordination of mine action.”
- ³ In certain situations and at certain times it may be necessary and appropriate for the UN, or some other recognised international body, to assume some or all of the responsibilities, and fulfil some or all the functions, of a national mine action authority. This occurred, for example, after a number of UN peacekeeping missions, including in Kosovo during the emergency and transition phases of mine action that followed the peace agreement between the North Atlantic Treaty Organisation (NATO) and the Federal Republic of Yugoslavia in June 1999.
- ⁴ In some countries, the word ‘coordination’ has been added to the title of the mine action centre to better reflect its activities. Thus, for example, in Kosovo, the UN coordinating body was called the Mine Action Coordination Centre (MACC).
- ⁵ I. Mansfield, ‘Building National Mine Action Capacity: It Is No Myth’, *Journal of Mine Action*, Issue 6.1, 2002, Mine Action Information Centre, James Madison University, Harrisonburg, Va., US.
- ⁶ *ibid.*
- ⁷ The formal process through which national laws are proposed and adopted is normally outlined in a country’s constitution.

CHAPTER 12

THE EVOLUTION OF A MINE ACTION PROGRAMME



THE EVOLUTION OF A MINE ACTION PROGRAMME

SUMMARY

Recovery from armed conflict typically goes through a series of overlapping phases: immediate post-conflict stabilisation, including peacekeeping and peacebuilding; reconstruction; through to traditional development with assistance from international donors and financial institutions. This chapter outlines how mine action priorities – and the programme's allocation of resources – should also change as the emphasis shifts away from humanitarian assistance to reconstruction and development. A particular focus is given to mine action in support of peacebuilding.

THE CHANGING CONTEXT FOR MINE ACTION

Most mine and ERW contamination stems from periods of conflict. In many cases, and increasingly over the past two decades, these have been internal conflicts creating what have been termed '**complex emergencies**': situations where the legitimacy of the state is challenged in large swaths of the country and may even have collapsed altogether; where peace can reign for long periods in some parts of the country while conflict persists in some areas and is intermittent in others; where civilians and their livelihoods are often targeted by the warring factions.

Frequently, warring parties will ask the international community to provide assistance in the form of peacekeeping or broader peace-building missions. Where such efforts appear to be successful – or where major countries deem their national interests are at stake – the peacekeeping phase will lead to a major reconstruction effort, financed by donor countries and multilateral financial institutions (World Bank and regional development banks).

Although in many cases '**traditional**' development work (eg **new** investments in infrastructure, social services, private sector development) would never stop entirely, the government and the major donors may focus initially on peace-keeping/building and subsequently on the reconstruction programme. However, as the restoration of key infrastructure (roads, railways, ports, electrical utilities, water systems, and so on) and basic public services (education, health, policing, etc.) progresses, increasing attention will shift to more traditional development programmes.

Thus we can define up to four main stages in a country's transition:

- > conflict
- > immediate post-conflict stabilisation (including peace-keeping/building)
- > reconstruction, and
- > traditional development with assistance from international donors and financial institutions.

THE EVOLUTION OF A MINE ACTION PROGRAMME

However, this depiction of the transition from conflict to development is a stylised one. In some cases, a dormant conflict will resume, halting the transition to the reconstruction and development phases. Unfortunate countries will suffer from simmering conflict for prolonged periods, perhaps becoming a forgotten emergency, receiving little attention from the international community. Thus, the transition from conflict to development is uncertain and prone to reversals, and may proceed at different rates in different parts of the country. Moreover, the start and end points of the different phases will not be clear cut; rather, the phases will overlap.

What is important is not so much the details of an individual country's transition, but rather the dynamics of such transitions in general, and the implications of such dynamics for those planning and managing mine action programmes. In particular:

- > the country's social, political, and economic environment will evolve over time; in some aspects, quite rapidly
- > the size and relative importance of the different types of international assistance programmes – humanitarian, peace-building/immediate post-conflict, reconstruction, and development – will evolve over time and, because of this...
- > the international actors present in the country, their primary objectives, and their relative power to influence local affairs, will change over time.

THE IMPLICATION FOR MINE ACTION

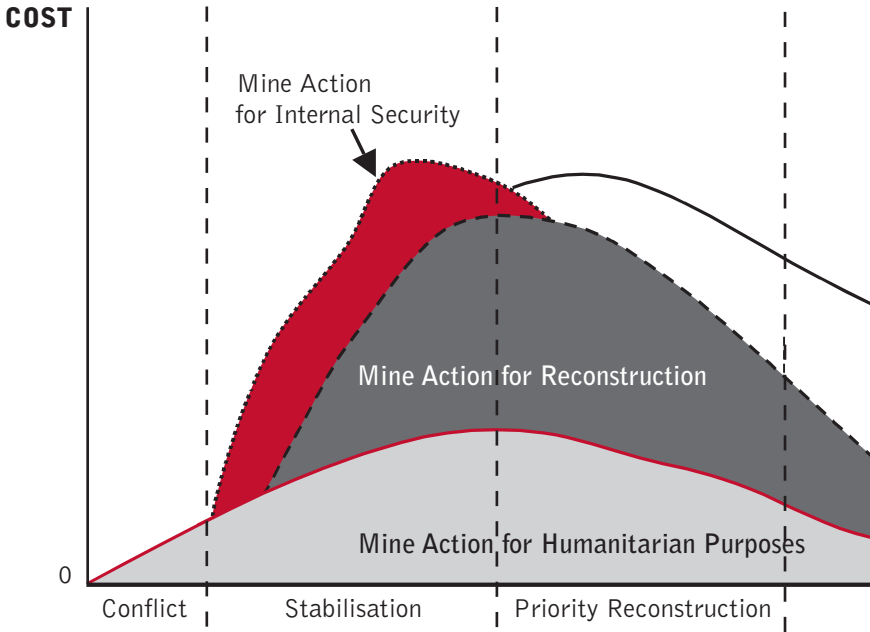
The principal outputs of mine action (ie safe land and facilities; people aware of the dangers posed by landmines and ERW; amputees fitted with prostheses) are not ends in themselves; each mine action output is a means to an end. Therefore, mine action is (or should be) at the service of the mine-afflicted country and its citizens and, at any point in time, should be focusing most of its resources in support of the most strategically important efforts underway in the country at that time.

Thus, mine action priorities – and the programme's allocation of resources – should also change as the emphasis shifts from humanitarian assistance through stabilisation through reconstruction and finally to development. Again, these typically will be relative shifts over time rather than abrupt changes, so there may be periods when the mine action programme is working in support of, say, three types of programmes: humanitarian, reconstruction and development.

When broken down in this manner, the pattern of mine action expenditures over time might appear as depicted in Figure 1 overleaf.

THE EVOLUTION OF A MINE ACTION PROGRAMME

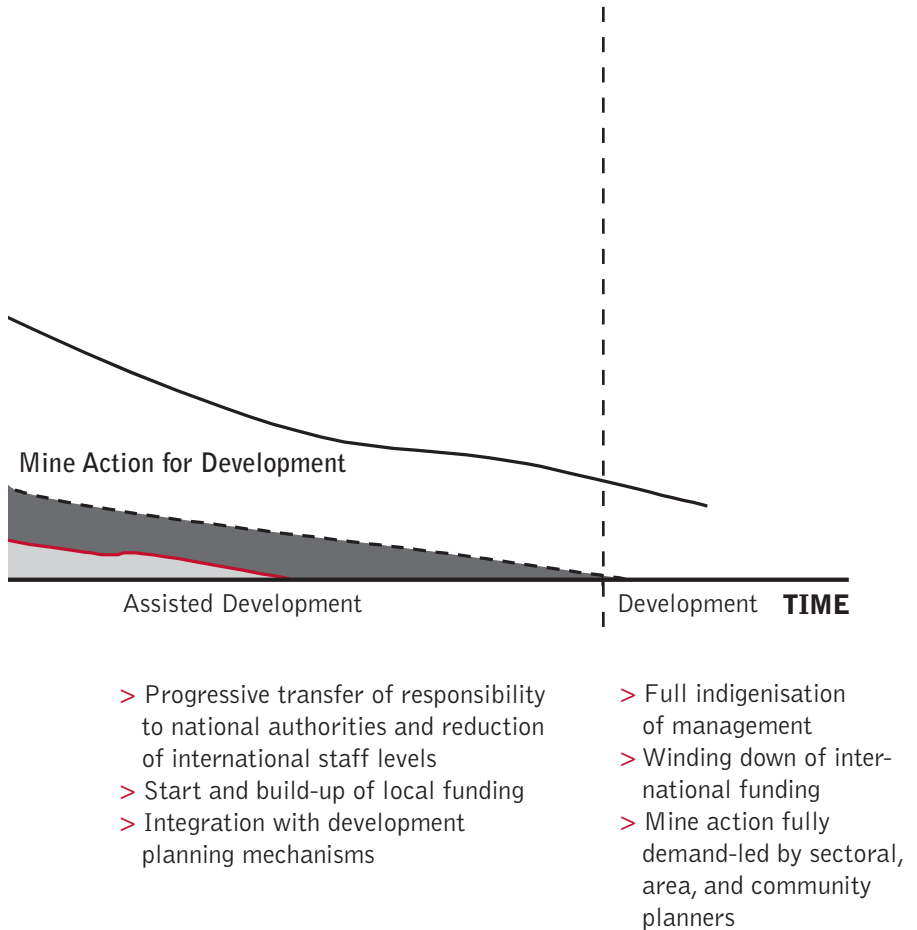
Figure 1 | The stages of a stylised mine action programme



- > Entry of international organisations and assets
- > Development of basic capacities
- > Support for refugees and humanitarian operations
- > Rapid build-up of operations
- > Creation of national programme
- > Develop high-level capacities
- > Local adaptation of techniques and technologies
- > Many tasks supporting reconstruction projects

Two additional types of changes will be occurring that are also vital to the performance of a country’s mine action programme. First, the programme’s capacities will be growing with new assets, training, the introduction of better organisational management systems and experience. Some of the likely developments over time for a mine action programme are listed at the bottom of Figure 1.

Second, mine action planners and managers will acquire additional data over time, allowing them (in theory at least) to make more informed decisions and better projections concerning likely developments in the future which will affect their programme.



Some of the important categories of data to a mine action programme are those concerning:

- > hazards (locations, numbers and types of devices, what community assets the hazards are blocking, etc.)
- > livelihoods – how individuals, households, and communities survive and prosper (this requires socio-economic data)
- > national governance – how governments are formed and replaced and how the machinery of government functions, and
- > international aid and government financing – the key actors and their principal objectives at national, regional and community levels.

THE EVOLUTION OF A MINE ACTION PROGRAMME



Minefield map briefing | Azerbaijan

In general terms, planners should expect three broad trends:

1. Increasing levels of national ownership over the mine action programme (e.g. the national government may assume responsibility for the MAC). This implies an increase in the power of the national government relative to the group of donors in setting priorities for the country's progress.
2. Increasing input from sectoral agencies (government departments; para-statal; etc.) as planners in the various sectors (agriculture, transportation, utilities, environment, etc.) begin to grapple with the problems created by contamination for their sector development plans.
3. Increasing input from different levels of government as capacities of provincial and local governments are rebuilt following the conflict and they gradually assume their responsibilities mandated by the constitution and legislation.



Demonstration of clearance equipment | Ethiopia

Some of the main implications for mine action planners and managers are summarised in Table 1.

THE EVOLUTION OF A MINE ACTION PROGRAMME

Table 1 | Key challenges for mine action programming in a changing context

NEED TYPE OF PROGRAMMATION	KEY ACTORS	LIKELY DEGREE OF COORDINATION	KEY CHALLENGES FOR MINE ACTION PLANNING
HUMANITARIAN	UN agencies, International NGOs, Red Cross.	Low	<ol style="list-style-type: none"> 1. Dealing with many agencies which may disagree on priorities and strategy in a chaotic, rapidly changing, and poorly understood environment.
SECURITY	Foreign and / or domestic militaries.	High	<ol style="list-style-type: none"> 1. Avoid military priorities dominating humanitarian and development needs. 2. Security of staff if internal security not established. 3. Getting cooperation and data from militaries.
RECONSTRUCTION	World Bank and perhaps other agency or Multilateral Trust Fund; UNDP. Major donors with showcase projects.	Fairly high	<ol style="list-style-type: none"> 1. Large scale demining tasks under tight deadlines in support of major infrastructure projects. 2. Ensuring funds for demining are included in reconstruction projects.
DEVELOPMENT	Government, World Bank and perhaps other multilateral agency. Lead donors for sectors.	Fairly high if government is both committed to citizen welfare and capable. Low if government is capable but not committed. Medium otherwise.	<ol style="list-style-type: none"> 1. Coordinating with many local and provincial governments on task priorities. 2. With committed government. Coordinating with ministries of finance and planning to ensure national government gives adequate priority to mine action. 3. With uncommitted government. Coordination with donors when overall donor coordination mechanism is lacking.

THE EVOLUTION OF A MINE ACTION PROGRAMME

Table 1 aims to describe general situations and likely trends, but the specific circumstances of individual countries will lead to variations (sometimes substantial) from this picture. Regardless of the details, however, it should be clear that mine action planners need to be aware that there will be some very significant changes facing the programme as a country makes the transition from conflict to development. The key international organisations operating in the country and influencing its development priorities will change. The principal needs of the country's citizens will change. The role and capability of the government will change. The changes may not be smooth and easy to predict, and reversals may occur, but changes which significantly affect the mine action programme will undoubtedly occur.



River crossing | Angola

MINE ACTION IN SUPPORT OF PEACEBUILDING

Increasing attention is being given to the role of mine action in support of efforts to achieve or maintain peace within and between countries. A study by the Peace Research Institute of Oslo, published in 2006, concluded that: *“Mine action can play an important role in peacebuilding. Emerging mine action initiatives may help foster confidence between conflictual parties, as it has in recent years in Sri Lanka and Sudan. Organizational structures that are set up for mine action, such as Sri Lanka’s district committees, may eventually take on a larger role of sustaining interaction between former adversaries. Engagement in mine action may also support reconciliation at various levels, as illustrated by the relationships between former fighters in Afghanistan’s Mine Action for Peace programme. Ultimately, mine action breeds general support for the peace process through its direct impact on people’s daily lives – eliminating risks, reopening transport routes or freeing up scarce resources, such as land and water sources. Carefully designed, implemented and coordinated mine action interventions provide a flexible and robust tool for peacebuilding.”*¹

Preliminary research by the GICHD has identified a number of specific areas in which mine action can support peacebuilding. These include:

- > reducing unemployment (particularly among groups who might resort to violence in the absence of alternative livelihoods)
- > coordination and information management
- > building social capital at local community level, and
- > confidence-building at regional level.

THE EVOLUTION OF A MINE ACTION PROGRAMME

Reducing unemployment

Unemployment tends to be extremely high at the end of any prolonged armed conflict. Mine action has comparative advantages over many other sectors in providing employment through its ability to employ, train, procure, deploy and partner quickly, thus delivering an early peace dividend. In Afghanistan, for example, the mine action programme was, for a time, the largest civilian non-governmental employer in the country. This puts money in the hands of ordinary people who need it to survive and such (relative) economic security can encourage grass-roots support for a peace process.

In addition, employment can be targeted to ex-combatants who may otherwise potentially play a negative role in the recovery of a country. Further support for peacebuilding may be achieved by integrated teams of ex-combatants that bring together former enemies with a common goal of clearing the explosive relics of the conflict. Positive experiences in this regard have been registered in Mozambique and Sudan, among others.

However, large-scale employment within a mine action programme is not without its dangers. Deminers in Afghanistan earn much higher wages than Afghan civil servants. The national staff (including the drivers) in the UN Mine Action Centre earn more than most Afghan deminers. Care should therefore be taken to avoid distorting labour markets and thus contributing to wage inflation, as this can be counter-productive to a peace process. For example, Ashraf Ghani, former Minister of Finance of Afghanistan, stated that: *“Within six months of starting my job as finance minister, my best people had been stolen by international aid organisations who could offer them forty to a hundred times the salary we could.”*² High wages also have the potential to fuel corruption as people may be willing – or be forced to – offer ‘presents’ in order to get a very well-paid job.

Coordination and information management

Mine action has an impressive ability to develop standardised coordination and information management models (see [Chapters 11 and 14](#) in this regard). This is clearly essential for the timely delivery of services in post-conflict environments. For example, in Kosovo, data diplomacy undertaken by the Survey Action Center and the UN to populate the spatial planning tool in the IMSMA database was a spur to other sectoral areas to exploit the potential of Geographic Information Systems.

Moreover, the high levels of support provided through mine action to develop local and national capacities for coordinating and managing mine action are relevant far beyond the sector. In particular, the experience and expertise gained in assessment and planning through senior and middle management courses can be readily transferred to other sectors.

THE EVOLUTION OF A MINE ACTION PROGRAMME

Building social capital at local community level

Mine risk education, especially through community liaison work, can not only help to identify local concerns and priorities and communicate them up the chain; it can also help to mobilise communities to take greater responsibility for managing their mine and ERW threat. This support for building social capital at community level can help sustain MRE initiatives long after the specialist teams have left, and bring corresponding benefits to community mobilisation in the difficult tasks of building trust and cooperation in the post-conflict period.



Examples of partnership

Confidence-building at regional level

Confidence building can also take place at regional level. For example, South East Europe, which has been the scene of some of the most brutal fighting on the continent since the 1939–1945 War, has pioneered moves towards the regional coordination of mine action. The South Eastern Europe Mine Action Coordination Council (SEEMACC) is a regional cooperation body for mine action programmes in the Balkans.

The Council consists of the Directors of the Mine Action Centres of Albania, Bosnia and Herzegovina, Croatia, and Serbia, and has even extended invitations beyond the region, for example to the Azerbaijan National Mine Action Agency. UNMIK Kosovo, the Mine Detection Dog Centre in Bosnia, the Regional Centre for Underwater Demining in Montenegro and the Centre for Testing, Development and Training in Croatia are also involved. The Council meets on a quarterly basis to share information and provide a forum for the resolution of common demining problems, particularly the coordination of clearance projects that cross national boundaries of the affected countries. It has also promoted common demining standards across and beyond the region.

MINE ACTION IN SUPPORT OF RECONSTRUCTION AND DEVELOPMENT

The priority reconstruction programme following a conflict will typically be planned by the World Bank,⁵ the relevant regional development bank and the major donors, to last for three to five years, although delays in donor disbursements and project implementation will often lead to extensions of a year or two before the multilateral trust fund is closed. At the end of the programme, the country's major infrastructure will have been rebuilt, where necessary, with the support of mine action, especially survey and clearance operations.

In addition to the reconstruction of key infrastructure and the restoration of basic public services, an important objective of a large post-conflict reconstruction programme is to restore the recipient government's capacity to plan and manage the ongoing development effort. Given that government management capacities may have been severely reduced during a prolonged conflict, it often will have only modest input into the plans for the priority reconstruction programme, including mine action priorities.

More fundamentally, there is a need to begin getting government input regarding emerging reconstruction and development priorities, and the strategy for addressing these. Again, where government capacity has been largely destroyed during a conflict, special mechanisms will be created, such as the Afghan Assistance Coordination Authority in the case of Afghanistan. As the capacity of such a mechanism grows, it will play an increasingly prominent role in setting development priorities and aid coordination, and eventually these functions will be assumed by the key ministries for national economic management (usually called the ministries of finance and planning).

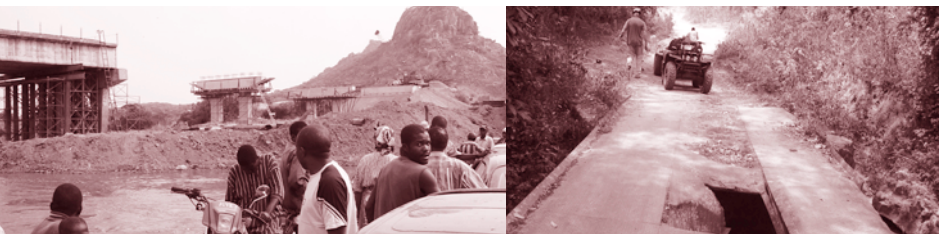
Once a country's major infrastructure has been rebuilt, donors will shift increasing shares of funding to more traditional development programmes. Current best practice is to encourage the recipient government to assume 'the driver's seat', including the coordination of aid flows. The key mechanisms for this are:

- > the formulation by the ministry of finance of a sound annual budget and, ideally, a medium-term expenditure framework which forecasts the affordable public expenditures (the budget constraint) over a three-to-five year period
- > the formulation by the ministry of planning of a national development plan – now often termed a poverty reduction strategy paper (PRSP) – which establishes the priorities that should be followed within the budget constraint, and

THE EVOLUTION OF A MINE ACTION PROGRAMME

- > coordination between the government and donors via such mechanisms as sector working groups and, for discussion of national economic policies and overall development priorities, Consultative Groups or Round Tables.⁴

Where the development system is working reasonably well in a country, each of the bilateral donors will focus on a limited number of sectors, with the World Bank providing policy advice on overall national development priorities, as well as loans to finance major investments in a few sectors within which bilateral donor funds are inadequate for all the high priority investments.⁵ The UN agencies will support a wide range of projects, but each of these will normally be modest in size. International NGOs will focus increasingly on support to local partners through either projects or capacity building of individual NGOs and NGO networks.



CONCLUDING REMARKS

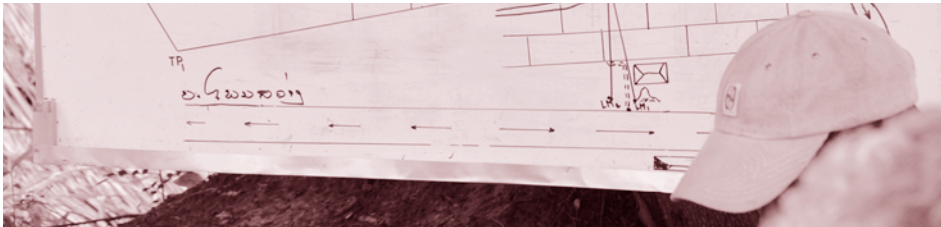
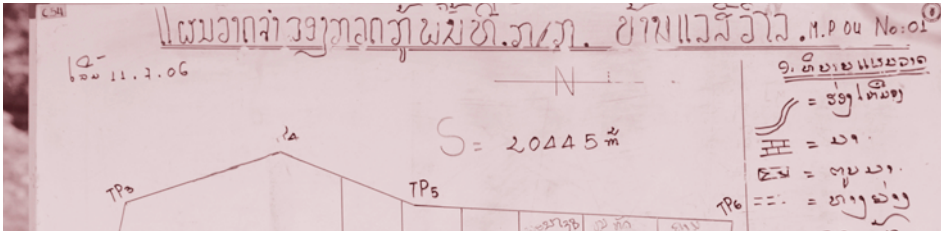
In conclusion, mine action planners need to be aware that, when developing their strategic plans, their principal challenges and partners will be different in five years' time, and perhaps far different to what they are today. In developing their plans, mine action officials need to try to anticipate what changes are likely and determine what steps the programme needs to take today so that it is capable of meeting tomorrow's challenges. Similarly, as mine action is called upon to support different types of programmes, it must make different resource allocations and adopt different priorities.

ENDNOTES

- ¹ Peace Research Institute of Oslo to be continued...
- ² "Millions of dollars worth of aid money is being wasted", *BBC News*, 26 February 2006.
- ³ International and local NGOs generally are not central players during the reconstruction programme. They may, however, play support roles (e.g. monitoring) or in the delivery of basic public services (health, education) – particularly to remote areas – which may be financed as part of the reconstruction programme.
- ⁴ Either a Consultative Group or a Round Table will exist for a country. The former are co-chaired by the government and the World Bank, while the latter are chaired by the government with assistance from UNDP.
- ⁵ Most funding from the World Bank and regional development banks are provided as loans which cannot be issued unless there is the expectation that a country will be in a position to repay them. Therefore, (and assuming the government remains on good terms with these banks) funding from these institutions will grow as a country stabilises and economic growth resumes.

CHAPTER 13

DEVELOPMENTAL APPROACHES TO MINE ACTION PLANNING



DEVELOPMENTAL APPROACHES TO MINE ACTION PLANNING

SUMMARY

A national mine action programme should support the overall development effort of the country. Other individuals, communities, and organisations are working simultaneously to promote development, and their efforts will also be affecting the structure and strengths of the social and economic linkages over time. The ultimate impact of mine action on a nation's development depends on how well mine action coordinates with other development projects in order to magnify the benefits brought about by mine action alone.

Accordingly, because the true measure of success of mine action is based on its contribution to development, mine action planners and managers must verify that what their projects are producing is reaching, and is useful to, intended beneficiaries. If not, they must learn what local social and economic features are preventing the mine action programme from being effective. Managers must monitor not only the immediate outputs produced by their projects (e.g. cleared land, numbers of MRE sessions), but also whether these lead to useful outcomes (productive use of the land, safer behaviour by civilians, and so on) and have a lasting impact on the lives of those in mine and ERW-affected communities.



INTRODUCTION

This chapter reviews developmental approaches to the planning of mine action projects and programmes. It puts particular emphasis on the importance of gathering, analysing and using information to improve performance. Good decisions are informed decisions. As mine action is not simply about mines but deals rather with the impact of landmine and ERW contamination on people, managers need to obtain a wide range of information including where and how people live, how their communities are organised, what resources they need to prosper, and how their lives are changing over time. Indeed, one of the main conclusions of the 2001 GICHD/UNDP *Study of Socio-Economic Approaches to Mine Action* was that: *“In many ways, mine action management is almost as much about information as it is about mines.”*

Accordingly, the chapter identifies some of the critical information that should be gathered within a needs assessment for mine action. It then describes how that information can be analysed and used to plan and prioritise projects and programmes that address the identified needs of affected communities. [Chapter 14](#) then explains some of the key tools that mine action uses for information management.

NEEDS ASSESSMENT

In the initial, emergency phase of a mine action programme, the primary objectives will be risk-reduction – clearing landmines and ERW that represent the most immediate threat to human life. But as the situation stabilises and the number of victims decreases, these objectives will gradually reduce in significance. Accordingly, the first steps in developing a new mine action programme – or radically reforming an existing one – are formulating and adopting appropriate programme objectives and a strategy for achieving them. This requires information.

An assessment of mine and ERW contamination and its impact, together with the key social, economic and political features of the country, will lead to an understanding of the problems caused by the contamination – and hence the needs of the affected populations – as well as which agencies have responsibilities for assisting people to address their needs. A programme planner will typically have the necessary technical data but may not have gathered all the requisite developmental and institutional information.

Planners should therefore try to obtain as much as possible of this data (see [Box 1](#)). They should, however, bear in mind that not much information may be immediately available or reliable, particularly after prolonged armed conflict, so a strategy for obtaining this data over time is required.

DEVELOPMENTAL APPROACHES TO MINE ACTION PLANNING

Box 1 | Developmental data needed to plan an effective mine action programme

GEOGRAPHIC

- > What is/was the pattern of current and former conflict?
- > Where are the mine- and battlefields?
- > What is the pattern of roads and bridges, and electrical and other utilities?
- > Where are health/education facilities and administrative centres?
- > What is the range of soil types and vegetal cover and climate zones and where are they located?

LEGAL

- > Is there existing mine action legislation? If so,
 - > does it formally establish the national mine action authority (NMAA) and mine action centre (MAC)?
 - > does it set out priorities for selecting mine action tasks? are they appropriate? sufficiently flexible?
- > Has the government adhered to the Anti-Personnel Mine Ban Convention? The Convention on Conventional Weapons and its Protocol V on Explosive Remnants of War? Has it passed legislation to put these Conventions into effect in the country?
- > What is the nature and extent of land ownership? Are there any plans for legal reform?
- > What is the legal status of non-governmental organisations (NGOs) and other civil society organisations?

INSTITUTIONAL

- > What is the existing/potential capacity of the NMAA and MAC?
- > What links does it have with other government departments and agencies, within or outside the national mine action authority? With supporting donors?
- > What indigenous capacities for mine action exist?
- > What local or international organisations capable of mine action operations are present?

DEMOGRAPHIC

- > What is the spatial distribution of the settled population?
- > What are the numbers and likely movements of refugees and internally displaced persons?
- > What are the numbers and migration patterns of nomadic groups?

PUBLIC HEALTH

- > How many mine incidents are there and how many civilians have been affected (broken down by age, sex, position in household, occupation/livelihood)?
- > What are the main reasons for risk-taking (e.g. ignorance, recklessness, economic or other survival pressures)?

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DEVELOPMENTAL APPROACHES TO MINE ACTION PLANNING

Box 1 | Developmental data needed to plan an effective mine action programme

- > What is the capacity of public health facilities for treatment and rehabilitation?
- > How many victims are reaching treatment centres?

PUBLIC POLICY

- > What is the national economic and social development strategy?
- > What is the degree of political and administrative decentralisation?
- > What is the relative importance of mine action versus other public policy issues?
- > What are the government's attitudes toward, and mechanisms for, dialogue with donors?
- > What is the government's privatisation policy and policy toward foreign-owned commercial companies?

SOCIAL

- > What are the household and community structures across ethnic groups?
- > What are the household coping strategies (e.g. following loss of household head, or injury to a family member)?
- > What are the traditional forms of community support and key social institutions (religious, ethnic or self-help)?
- > How prevalent are community-based organisations?
- > What is the gender division of economic assets and activities?

ECONOMIC

- > What is the level and structure (sectoral, geographic, public-private, market-subsistence) of economic activity?
- > What are the principal and secondary sources of livelihood in contaminated communities?
- > What is the extent of commercial activity and dependence of affected populations on supplies, labour, and credit?
- > What are the types of land, resources, and infrastructure affected by mines and ERW?
- > What is the degree of inequality and pattern of poverty?
- > Where are critical natural resources located?

THE ACTIONS OF OTHER DEVELOPMENT ACTORS

- > What are the plans of government departments, UN and donor agencies, international and local NGOs, and mine-affected communities?
- > How will they impact on mine action operations and outcomes (e.g. will resettlement plans draw people into contaminated areas)?
- > What lessons have been learned by other development actors in implementing programmes in the country?

DEVELOPMENTAL APPROACHES TO MINE ACTION PLANNING

STRATEGIC PLANNING FOR MINE ACTION

Once as much as possible of the necessary information has been gathered by a needs assessment, the next step is to identify the most effective and efficient ways both to minimise the impact of mine and ERW contamination on the civilian population and to promote broader development. This is done through strategic planning. A fundamental principle of an effective strategic plan is that it seeks to respond in the most effective way possible to what people actually need – not just to give them what the mine action programme happens to be able to deliver at any given moment.

A key feature of a strategy is that it has several broad goals, each with subsidiary objectives. Planners need to identify alternative approaches for attaining each of the objectives, and analyse how the possible approaches “fit together” into an overall package. For example, the ideal approach to clearance might require so many resources that other mine action components would have to be curtailed. The overall programme might well be improved by adopting a less expensive approach for clearance so that more resources are available for other components.

Of course, resources are always insufficient compared to the needs, so an important element in the strategy is allocating resources among the various goals and objectives, to achieve a balanced approach. Resource allocation, discussed below, reflects the balance (or relative priorities) among the objectives. Resources can be allocated in a number of ways, for example geographically or thematically among the mine action components.

A framework for a strategic mine action plan

Development planners differ as to the precise format and terminology used for a strategic plan, but many mine action strategic plans include the ultimate **vision** being pursued by the mine action programme, and an ensuing **mission statement**.

The plan will then set out a series of broad aims – known as goals – and under each goal, will list a number of **objectives** that must be pursued to reach the goal. **Activities** describe how project **inputs** will be used to produce **outputs** that need to be produced if the objectives are to be achieved. Indicators are benchmarks by which it will be possible to determine whether good progress toward the objectives is being achieved.

Box 2 sets out a proposed framework for a strategic mine action plan for what might be considered a typical mine-affected country. Of course, different organisations and institutions favour different formats; this is only a suggestion.

In practice, the basic principles for strategic planning are broadly similar.

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DEVELOPMENTAL APPROACHES TO MINE ACTION PLANNING

Box 2 | A framework for a strategic mine action plan

CONTEXT

- > Political context
- > Security
- > Economic context
- > Social context
- > Geography
- > Demography
- > Development priorities and actors

HAZARDS

- > Nature of contamination
- > Extent of contamination
- > Unknowns

NEEDS ASSESSMENT

- > Vulnerability assessment (current impact)
 - > Affected communities
 - > Risk-taking behaviour
 - > Victim profiles and numbers
 - > Projected changes (e.g. refugee return, reconstruction projects underway)
 - > Unknowns
- > Development constraints (future impact)
 - > Development priorities – key sectors and areas for mine action linkages
 - > Unknowns

DESCRIPTION OF THE MINE ACTION PROGRAMME

- > History
- > Current status
- > Problems with programme and organisations

VISION, STRATEGIC GOALS AND OBJECTIVES FOR MINE ACTION PROGRAMME

- > Vision statement

Goal 1 | Strengthen national mine action programme and key organisations

- > Objective 1.1 | Pass and implement mine action legislation
- > Objective 1.2 | Mobilise national and donor resources
- > Objective 1.3
Strengthen senior and middle management in the mine action centre

DEVELOPMENTAL APPROACHES TO MINE ACTION PLANNING

Box 2 | A framework for a strategic mine action plan

Goal 2 | Goal for demining

- > Objective 2.1
- > Objective 2.2
- > Objective 2.3

Goal 3 | Goal for mine risk education

- > Objective 3.1
- > Objective 3.2
- > Objective 3.3

Goal 4 | Goal for stockpile destruction

- > Objective 4.1
- > Objective 4.2
- > Objective 4.3

...

Goal X | Research and development

- > Objective X.1 | Integrated demining techniques
- > Objective X.2 | Pilot project in community-based risk reduction
- > Objective X.3 | Pilot project in using machines to clear minefields

ACTIONS TO ACHIEVE GOALS AND OBJECTIVES

- > Mine action activities
- > Coordination mechanisms
- > Planning and sharing information with other humanitarian and development actors
- > Timeframe

RESOURCES

- > Available resources
- > Implementing organisations
- > Additional resources required
- > Plan for resource mobilisation

CHAPTER 13

DEVELOPMENTAL APPROACHES TO MINE ACTION PLANNING

KEY ASSUMPTIONS AND IMPLICATIONS

- > Signed peace agreement with rebels
- > Implementation of peace agreement with rebels
- > Successful negotiation of unified mine action wage structure

CONTINGENCIES

- > Contingency plans if peace not signed
- > Contingency plans if peace agreement does not hold
- > Contingency plans if loss of major donor

RESOURCE ALLOCATION IN MINE ACTION

Allocation is the act of dividing or apportioning resources for specific purposes. Because total resources are limited, allocating some to one purpose means there will be less for other purposes, making resource allocation a critical and contentious decision for managers.

It is vital that resource allocation decisions are made in such a manner that resources are well aligned with the “right” priorities. But first, how are the “right” priorities determined, and by whom? Obviously, a determination of priorities depends in large part on the “facts on the ground” – in this case, on technical data concerning landmine and ERW hazards coupled with socio-economic data of various types.

Obtaining enough data and enough types of data to formulate a complete and accurate picture of the contamination problem can be a formidable problem in its own right. But different decision-makers often will also arrive at different priorities even when they are considering the same data. This is because these judgements are based in part on their personal values (morals and a sense of what is right) and in part on their own interests or those of their employer.



Unexploded ordnance and cleared mines | Iran

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Because of these complications, resource allocation decisions are not merely technical matters for which the “optimal” allocations can be calculated by engineers and economists; rather, they also have a political element; for, at its heart, politics is about competition among different groups with different interests. This is particularly true when there are different people from multiple organisations with authority to make resource allocation decisions – a common situation in mine action.

What are the problems?

There are three features of the mine action world which make resource allocation a particularly difficult problem for many mine action programmes:

- > The problems created by mine and ERW contamination are inherently complex.
- > Officials in many different organisations – donors, operators, national ministries, sub-national governments, as well as the national authority and MAC – have authority to make resource allocation decisions of some type.
- > There are many different types of resource allocation decisions that need to be made.

This section will discuss each of these issues in turn.

Complexity of contamination problems

First, mine action problems are complex because they entail both technical questions (numbers and types of devices; soil types; vegetation cover; pattern of the contamination; etc.) and socio-economic issues (how people earn their livelihoods; distribution of populations and economic activities; development plans; etc.). Neither the technical nor the socio-economic data can, on its own, provide a proper assessment of the impacts of landmine and ERW hazards on people in the affected regions; rather, the two types of data must be analysed together.



UXO collection | Lao PDR



Warning sign | Congo

Second, the people with the most expertise on the technical issues and those with socio-economic expertise typically have little experience in working jointly on problems. They speak different professional languages and they approach problems differently.

Third, mine action programmes often start in a rush with little of the technical or socio-economic data required to understand impacts and establish appropriate priorities. Programmes must acquire this information as they go along, and some of the initial resource allocation decisions – made with incomplete data and understanding of the problems – may appear as mistakes with hindsight (i.e. with more data and better understanding).

Fourth, when there is widespread contamination, an immense amount of technical and socio-economic data must be acquired to develop a reasonably complete and accurate picture of the negative impacts and what benefits might accrue with different mine action activities.

Fifth, mine and ERW hazards affect many diverse groups of people in many different ways. It is a sufficiently complex matter to obtain the views of these different groups concerning mine action priorities let alone to decide which groups' problems should be addressed first.

Sixth, while contamination poses problems for national and regional development many of the adverse impacts are localised, affecting particular groups in specific communities. It is difficult to stay in touch with many groups in many communities to understand how they are adapting to the hazards and what benefits have actually accrued from mine action.

The fact that mine action problems are complex affects the resource allocation problem in a number of ways; we will focus on three in particular:

- > Significant resources must be allocated to obtain technical and socio-economic data and to analyse this data to develop a proper understanding of the needs of people affected by contamination – in short, **information is costly**.
- > It is common, particularly in the early years of a programme, that the various officials with authority over resource allocation decisions have different technical and socio-economic data at their disposal and are listening to different groups of people who are directly affected by contamination. Because of this, most of the decision-makers have only partial pictures of the overall contamination problem; moreover, they have **different partial pictures**.

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- > The localised and specific nature of many adverse impacts makes some form of **decentralised decision-making** an attractive option (at least when contamination is extensive). This is because local officials or local operators with experience in a contaminated region are “closer to the ground” and in a better position to understand the views of the different groups affected by various hazards. (National decision-makers still should determine where, in broad terms, to allocate mine action resources, such as international NGOs or the local military, while local decision-makers then must task more specifically the resources made available to them.)



Suspected minefield | Cambodia

Decentralisation also means it is unnecessary to impose a “one-size-fits-all” approach from the capital, so different regions can, say, use different mixes of assets that are appropriate to the type of contamination problems most common in their region. Sub-national officials are also in a better position to link mine action with other actions they are taking concerning matters that may fall within their jurisdiction, such as land administration and the delivery of local services. But effective decentralisation also requires some sort of standards imposed from the capital in order to ensure that citizens in the various regions receive more-or-less equal levels of mine action services relative to their needs.

In brief, because information is costly most mine action programmes face major problems concerning both the availability and accuracy of data, and how to make sense of that data to understand how hazards are affecting people. This is particularly true during the first years of the programme.

In the face of uncertainties arising from inadequate data and understanding, key actors such as the major donors and the national government are loath to delegate authority to any organisations or subordinates that they do not already trust (because of long experience and/or the inability to detect and punish malfeasance or incompetence). This leaves authority for resource allocation decisions in the hands of officials who may not be the best placed to make those decisions, particularly as more data and better understanding are acquired.

Working toward solutions

When faced with many inter-related decisions, it is necessary to structure them in some logical fashion. For national programmes, a common approach is to employ a hierarchical structure. This specifies that certain decisions are made in the national capital while others are decentralised to, say, the provincial level. In turn, some of the decentralised decisions are made by provincial authorities, while others are decentralised further to, say, a district level. The process may continue to lower levels (municipal, mine action operator, etc.).

In this process, certain responsibilities are decentralised from higher levels to lower levels. One of the key allocation decisions made at higher level is the amount of resources to be allocated to the lower level so it can fulfil its responsibilities. For example, the national MAC would need to allocate certain resources to provincial MAC offices so they can complete their work programmes. The national MAC also needs to retain adequate resources for national projects (eg national MRE campaigns, priority reconstruction projects, R&D, etc.)

Therefore, it is important that a national authority and MAC devise a logical, transparent and appropriate structure for allocation decisions and present this explicitly to donors, UN agencies, and other organisations that are now making such decisions. Normally it will be impossible to impose the desired structure immediately; for example, some donors may already have made funding commitments covering the next year or two. However, it is important to get the desired structure “**on the table**” for discussion – and possible amendment based on comments from key donors, etc. – and to agree how to implement that structure over time.

Making the structure of decisions explicit also highlights a vital question: what criteria are used to make the decisions at the different levels? For example, should the national authorities present a proposed structure of allocation decisions to donors, independent operations, UN agencies, and other organisations that now have authority over certain allocation decisions, these organisations will want to know how the amounts to be allocated to each of the provinces are determined – what are the criteria (and indicators)? It is necessary to make these explicit to get donors and others to buy into the proposal.

In sum, it is worthwhile emphasising the difference between the structured resource allocation system as outlined above and the typical “**prioritisation systems**” used by many programmes today. These systems generally specify the criteria used to identify priority tasks for demining. Criteria typically include the danger posed by the hazard (e.g. whether there have been accidents and how close the hazard is to schools, village centres, etc.) plus something



about the expected use of the land after clearance (e.g. for resettlement, development projects, or agriculture). The criteria may also specify specific types of beneficiaries (e.g. refugees) and how quickly the cleared land will be put to productive use.

Such criteria are, of course, quite sensible. However, they often are geared solely to demining rather than to “**integrated mine action**” which attempts to deliver the appropriate response (permanent marking, MRE, as well as clearance) to the problem created by a hazard. Also, this type of prioritisation system may be adequate for determining why a particular hazard has been designated a priority, but does not answer questions about why, for example, mine action expenditures in the northern province are twice those for the central province.

Finally, such a prioritisation system on its own is inadequate when contamination is widespread and some sort of decentralised decision-making is warranted. Either the criteria are specified so tightly that local officials or NGO programme managers have no discretion or (more commonly) the criteria are so general that far more tasks are identified as priorities than can possibly be undertaken. Tightly specified criteria means foregoing the important benefit of judgements based on intimate knowledge of the local needs, while loosely specified criteria open the door to abuse.

Linking mine action and development

Landmines and other explosive remnants of war (ERW) impede post-conflict reconstruction and development in many mine-affected countries. They block access to farmland, prevent IDPs and refugees from returning to their homes and disrupt basic social services. While making areas safe is often a development priority, mine action and development organisations have not always coordinated their work effectively. In recent years, there has been growing acceptance among mine action organisations of the need for greater integration and linkages with development. Despite research on the negative

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developmental impact of mine/ERW contamination, practical guidance to assist practitioners – from both the mine action and development fields – has been lacking. The main goal of GICHD's Linking Mine Action and Development (LMAD) programme is to ensure mine action promotes development in mine-affected communities and areas. GICHD's LMAD programme consists of three main strands of work: (i) research and information dissemination; (ii) capacity development; and (iii) networking.

GICHD uses an action research approach to achieve policy and practice change. Research is conducted or commissioned on key issues, good practice and lessons learned are documented, and findings are communicated in an accessible and practical format.

GICHD also provides capacity development support which focuses on:

- > **Consulting** – providing technical advice on the integration of mine action in development plans, programmes and budgets, and advising on strategic processes
- > **Training** – delivering tailor-made training workshops
- > **Practical guidance** – developing practical and accessible guides and guidelines on how to ensure mine action promotes development

Coordination between mine action and development organisations in the past has not been optimal. Through the LMAD Practitioner's Network, LMAD workshops and LMAD Contact Group (which meets on the margins of the Meetings of State Parties to the APMBC and the Intersessional Work Programme), practitioners share experiences, discuss challenges and agree good practice. GICHD uses these networks and events to promote LMAD and disseminate good practice and lessons learned.

The ideal solution is when all the funding to a national mine action programme supports a single policy, strategy and implementation programme with the legitimate authorities taking the lead in devising the policy and strategy and in managing the programme. Further, to avoid harmful donor competition over the high profile components and the possibility that the implementation programme will come unravelled should one donor fail to deliver the promised funds in a timely manner, major donors should adopt common approaches, such as pooling their funds to support the entire programme rather than specific components. Over time, there should be progress to greater reliance on government procedures for making expenditures and bringing these to account.

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Box 3 | Summary LMAD guidelines

SUMMARY OF GUIDELINES FOR STATES AFFECTED BY MINES/ERW

For National Governments

1. Demonstrate national ownership of the mine/ERW contamination problem at the highest level of government. Develop sustainable national capacities to undertake all elements of mine action over the medium and long-term.
2. Ensure the national mine action programme responds to the humanitarian and development needs of all citizens affected by mine/ERW contamination, particularly survivors of landmine/ERW accidents.
3. Reflect mine action in national and sector development plans, programmes and budgets.
4. Meet international legal obligations relating to weapons contamination.

For National Mine Action Authorities

1. Demonstrate national ownership of the mine/ERW contamination problem. Develop sustainable national capacities to undertake all elements of mine action over the medium and long-term.
2. Ensure the national mine action programme responds to the humanitarian and development needs of all citizens affected by mine/ERW contamination, particularly survivors of landmine/ERW accidents.
3. Work with government officials to reflect mine action in national, provincial and/or sector development plans, programmes and budgets.
4. Strengthen information sharing and collaboration among different actors.
5. Implement international legal obligations relating to weapons contamination.

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For Sub-national Governments

1. Demonstrate ownership of the mine/ERW contamination problem. Develop sustainable local capacities to undertake all elements of mine action over the medium and long-term.
2. When planning reconstruction or development programmes, do not avoid contaminated areas and communities. There are solutions to explosives contamination.
3. Ensure mine action promotes development in affected areas and communities.
4. Strengthen information sharing and collaboration across sectors and among key actors.

For Core Budget and Planning Units

1. When planning reconstruction or development programmes, do not avoid contaminated areas and communities. There are solutions to explosives contamination.
2. Allocate sufficient resources to the national mine action programme over its lifespan, paying special attention to the reduction of international support.

For Sector Ministries and Statutory Bodies

1. Demonstrate ownership of the mine/ERW contamination problem. Develop sustainable national capacities to undertake all elements of mine action over the medium and long-term. Sector ministries and statutory bodies are in the best position to understand how contamination affects their work programmes.
2. When planning reconstruction or development programmes, do not avoid contaminated areas and communities. There are solutions to explosives contamination.
3. Share information and collaborate with mine action authorities.

See also the Guidelines for Humanitarian and Development NGOs, National Mine Action Centres, Official Development Cooperation Agencies, and for Mine/ERW Operators. All guidelines are available at: www.gichd.org/operational-assistance-research/linking-mine-action-and-development/guidelines/overview/

CHAPTER 14

INFORMATION MANAGEMENT IN MINE ACTION



INFORMATION MANAGEMENT IN MINE ACTION

INTRODUCTION

Effective management of information is crucial to a successful national mine action programme. The Information Management System for Mine Action (IMSMA), developed by the Geneva International Centre for Humanitarian Demining (GICHD) is a useful tool for information management activities. However, it is important for countries to define a clear information management strategy to maximise the benefit of the IMSMA system. Appropriate information management is a foundation for success in a mine action programme.

ROLES AND RESPONSIBILITIES IN MINE ACTION INFORMATION MANAGEMENT

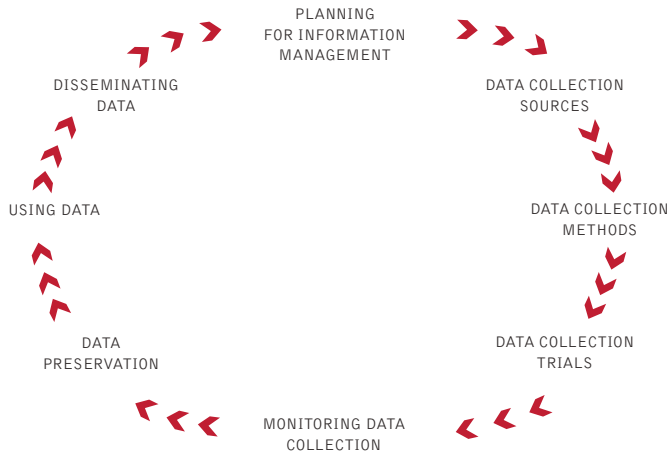
Considerable efforts have been made within many mine action programmes to gather data. Nonetheless, most data remains as data – raw and of little value. Turning data into useful information requires that it be properly preserved, analysed and shared; then will it be used by those who can benefit from it in their work.

Figure 1 overleaf illustrates the information management life cycle. The first half of the cycle is focused on **data collection** efforts. Here decisions are made regarding potential sources of data and the methods to be used in the collection process. In practice, this aspect of information management tends to get the greatest attention from managers. Backed by appropriate feedback mechanisms and field trials, this aspect of information management can yield large amounts of data valuable to mine action managers. However, by starting the process with determining what data that can be collected, rather than what output information is required by the users, it is a risk that data will be collected which is not required, and data that is required will not be gathered. Data should not be collected for the sake of it being easy to collect, but for a clear purpose in reporting or monitoring.

Avoiding these pitfalls requires direct involvement by managers at all levels in the organisation. **Planning for information management** is an ongoing process that needs to be closely monitored in order to ensure the continued relevance of the information provided to users. Proper quality control mechanisms of incoming data are required to prevent a reduction in the usefulness of existing data. Relevance, timeliness and accuracy are the three characteristics of quality that should guide the planning of information management.

INFORMATION MANAGEMENT IN MINE ACTION

Figure 1 | The information-management cycle



The critical aspect for **data preservation** is that all the available data is regularly entered into a single master database, which is open to all interested parties. This database should contain all of the data relevant to mine action collected at all levels for the entire area being serviced. The establishment and regular update and dissemination of this single master database greatly improves the probability that all participants in mine action and the larger humanitarian community will be working from a common operational picture of both the threat from mines and ERW and the progress being made to address it.

The subsequent **use of data** commonly involves some kind of domain-expert analysis of, for instance, incoming progress reports. This analysis converts raw data into useful information and prepares it for broader consumption. An example of analysis includes the development of task dossiers based on a national prioritisation scheme. This scheme may in turn have been developed based on analysis of survey data linked to national humanitarian and socio-economic objectives.

INFORMATION MANAGEMENT IN MINE ACTION

The final product of the information management life-cycle is information that is of relevance for a certain group of users. For this group to benefit from the information, it has to be made easily accessible to them. This is the purpose of the **data dissemination**. Although much of the information that is produced in a mine action programme is produced on specific requests, some information is of a more generic type that could be important to many stakeholders. Mine action does not occur in isolation. The relevant national authorities for mine action are responsible for coordinating the collection of all mine-related data. In their normal coordination role, UN Resident/Humanitarian Coordinators are tasked to ensure that these efforts are integrated with the broader information management efforts designed to meet humanitarian and development needs. This is particularly relevant for domains where data may be collected in other areas, such as victim assistance. It also affects the way that relevant mine action data on, for instance, contamination is communicated to stakeholders outside mine action.



THE INFORMATION MANAGEMENT SYSTEM FOR MINE ACTION (IMSMA)

The Information Management System for Mine Action (IMSMA) was developed to help make decision-making in mine action more structured and thereby enable operations that are safer, faster, more effective and efficient. There were calls from the mine action community for computerised decision support tools able to support the coordination and management of operational activities.

IMSMA exists in two major versions: IMSMA Legacy and IMSMA Next Generation (IMSMA^{NG}). IMSMA Legacy was launched in 1999 and is expected to be largely phased out in 2011, although the GICHD will continue to provide support for IMSMA Legacy in special cases. As of 2010, there are no plans to make any major changes to IMSMA or to launch new versions.

INFORMATION MANAGEMENT IN MINE ACTION

IMSMA^{NG} covers the entire mine action information management cycle and allows for high flexibility both in processes and in outputs. This flexibility allows for the system to be adapted to the local requirements of any mine action programme – rather than forcing the mine action programme to adapt to IMSMA, which was the case with IMSMA Legacy. The system is flexible to the extent that it theoretically could be used for any spatial activity that follows the overarching process of mine action: locate the problem, monitor the impact, address the problem.

The system has been continuously revised and upgraded since its initial release in the summer of 1999 in Kosovo. It has since become a standard in mine action information management and is the United Nations preferred information management system for mine action. The system is currently in use in more than 40 mine action programmes around the world (see Box 1, overleaf).

IMSMA can be used to:

- > plan, manage, report and map mine and ERW clearance activities
- > plan, manage, report and map MRE activities
- > record, report on, and map victim information
- > record, report on, and map socio-economic information, and
- > produce input for reporting according international humanitarian law, such as the APMBC, CCW and the CCM.

IMSMA provides tools:

- > to help managers track the progress of their work, and
- > to analyse and support decisions for prioritisation and more.

IMSMA is:

- > based on standard computer technology
- > easily customisable, and
- > distributed free of charge.

The system is intended for use by national headquarters and operators in countries affected by mines, cluster munitions or other ERW. Current users of the system include national governments, international organisations, NGO's and peacekeeping forces.

INFORMATION MANAGEMENT IN MINE ACTION

Box 1 | Mine action programmes using IMSMA

Afghanistan	Georgia	Rwanda
Albania	Guinea-Bissau	Senegal
Angola	Iraq	Sierra Leone
Argentina	Jordan	Somalia/Somaliland/ Puntland
Armenia	Kosovo	Sri Lanka
Azerbaijan	Lao PDR	Sudan
Burundi	Lebanon	Tajikistan
Cambodia	The former Yugoslav Republic of Macedonia	Thailand
Chad	Mauritania	Uganda
Chile	Mozambique	Vietnam
Colombia	Nepal	Western Sahara
Cyprus	Nicaragua	Yemen
Democratic Republic of Congo	Peru	Zambia
Ecuador	Russian Federation (Chechnya/Ingushetia/ Northern Ossetia)	
Egypt		
Eritrea		
Ethiopia		

As of 1 May 2010

IMSMA MOBILE | HANDHELD FOR THE FIELD

IMSMA Mobile is an optional extension to the field of IMSMA^{NG} for data collection and data verification, for use with a Personal Digital Assistant (PDA). IMSMA Mobile has been designed to save time and reduce errors in field data gathering tasks and surveys.

Any data collection form created with IMSMA can be transferred electronically for use in the handheld device. The data collected using IMSMA Mobile, including quick and accurate capture of geographic coordinates with the use of Bluetooth GPS devices, can be transferred directly into the IMSMA System. On the same basis, also by electronic transfer, any data or report previously entered into the IMSMA System can be verified and validated in the field with IMSMA Mobile.

IMSMA Mobile can also be used with several kinds of rangefinder devices, which can help define minefield or hazardous area perimeter points located up to 1000 metres away from the system's GPS or the surveyor's current position. This means that it is possible to map the perimeter of a suspected or known hazardous area with a reduced risk to the surveyor.



Survey teams

CHAPTER 15

THE EVALUATION OF MINE ACTION PROGRAMMES AND PROJECTS



THE EVALUATION OF MINE ACTION PROGRAMMES AND PROJECTS

SUMMARY

Evaluation is an important part of the project cycle. It has two main aims – to improve accountability to stakeholders for any given project, and to improve future performance. Ideally, evaluation is a collaborative undertaking with participation from all stakeholders and should be an asset – not a hindrance – for those being evaluated. To be useful, it is essential that evaluations are actually used. Project or programme managers should therefore respond actively to the recommendations resulting from an evaluation.

INTRODUCTION

As the mine action sector has developed over recent years there has been increased emphasis in strengthening accountability, a strong commitment to promote professionalism within the sector, and greater importance placed on ‘**results based management**’ of mine action. This has led to a greater awareness of the benefits of evaluations in providing objective, timely, relevant and accurate feedback on mine action interventions.

This trend has evolved to a stage where the need for evaluation is a core component of mine action planning. Additionally, many mine action clients and donors are insisting on evaluations as a component of funding agreements.

The scope of evaluation is vast. Evaluations may be carried out on a country’s mine action policy, a national mine action programme, on a project within a mine action programme, or on specific aspects of a mine action programme (mine risk education, for example).¹ In addition, evaluations may just look at the design, planning and implementation phases, or may examine all aspects of a project or programme, including the post-implementation outcomes and sustainability of the benefits.

The aim of this chapter is to provide general guidelines for the preparation and conduct of mine action evaluations, and for the reporting, dissemination, and use of evaluation findings, conclusions, lessons and recommendations.

WHAT IS EVALUATION?

Evaluation refers to the process of determining the ‘**worth or significance**’ of a policy, project, or programme. ‘Worth or significance’ for mine action is assessed primarily in terms of changes in the well-being of people in mine-affected communities, areas, and countries, as well as enhancements in local capacities to manage their own development. The activities and direct outputs of mine action, for example areas cleared, people receiving mine risk education (MRE), victims assisted, etc. are also considered in evaluations, but mainly as means to promote the desired end (enhanced wellbeing of the target beneficiaries and local capacity).

THE EVALUATION OF MINE ACTION PROGRAMMES AND PROJECTS

An evaluation is defined by one authority as “*an assessment, as systematic and objective as possible, of an ongoing or completed project, programme or policy, its design, implementation and results. The aim is to determine the relevance and fulfilment of objectives, developmental efficiency, effectiveness, impact and sustainability. An evaluation should provide information that is credible and useful, enabling the incorporation of lessons learned into the decision-making process of both recipients and donors.*”²

Evaluation is more than just the systematic gathering and processing of data. Evaluation requires the identification of critical issues, the determination of the background and motivation for decisions or actions, an analysis of causes and effects and, in some cases, the ability to predict likely future outcomes.

THE PURPOSE OF EVALUATION

The two principal purposes served by evaluations are:

- > performance improvement both in terms of ‘doing the job right’ and, more broadly, in terms of the outcomes or enhanced well-being of people resulting from the mine action project or programme – in brief, ‘doing the right job’, and
- > to enhance accountability to stakeholders (donors, NMAA, target beneficiaries, etc.).

Evaluation should endeavour to benefit multiple stakeholders, including communities affected by mine action, donor agencies sponsoring mine action, the government and its supporting organs such as the NMAA and MAC, and the implementing agency and its partners.

EVALUATION CRITERIA

Evaluations examine the achievement of objectives (short-, mid- and long-term) and factors such as relevance and sustainability. For mine action evaluations the following criteria may be examined:

- > **Relevance**
The extent to which the objectives of a mine action intervention are consistent with beneficiaries’ requirements, country needs, global priorities and partners’ and donors’ policies
- > **Efficiency**
A measure of how economically resources/inputs (funds, expertise, time, etc.) are converted to results (outputs and outcomes)
- > **Effectiveness**
The extent to which the mine action intervention’s objectives were achieved, or are expected to be achieved, taking into account their relative importance

THE EVALUATION OF MINE ACTION PROGRAMMES AND PROJECTS

- > **Impact**
The positive and negative, primary and secondary long-term effects produced by an intervention, directly or indirectly, intended or unintended
- > **Sustainability**
The continuation of benefits from a mine action intervention after major development assistance has been completed
- > **Safety and quality**
Whether the work was carried out safely and achieved the required standards of quality for the activity, i.e. technical survey, clearance, marking, etc.



Presentation of demining programme | Sudan

Other common criteria that may also be included for a mine action evaluation include:

- > value-for-money (economy, efficiency, and effectiveness)
- > cost-effectiveness
- > client or beneficiary satisfaction, and
- > replicability (whether a project or programme can be replicated in a different environment).

PLANNING AND EVALUATION

Evaluation reports are often used for critical decisions in project or programme cycles. Therefore, evaluations should be planned sufficiently in advance to ensure there is time to conduct the evaluation and to report and disseminate the results.

Evaluations place significant demands on the staff of NMAAs, mine action organisations and other stakeholders. Where feasible, organisations commissioning evaluations should attempt to harmonise their evaluation plans and to undertake joint evaluations.

THE EVALUATION OF MINE ACTION PROGRAMMES AND PROJECTS

Whenever possible, beneficiaries and other stakeholders of an intervention should participate in the planning of evaluations to foster a sense of ownership of evaluation results. Whenever appropriate, special efforts should be made to obtain the views of women and of groups who may lack opportunities to express their views.

If an evaluation requires an assessment of change in the wellbeing of beneficiaries, in addition to participation in the planning, provision should be made for beneficiaries (or their representatives) to be consulted and, if practicable, to participate in the evaluation. Evaluation planning should also permit adequate participation by donors, NMAAs, mine action organisations and other stakeholders. Plans for evaluations should address the inherent responsibility of the organisations involved to be accountable for their management of resources and the results achieved.

The broad purpose of the evaluation (eg to promote accountability; to generate lessons learnt) should be clearly and accurately defined taking into account the information needs of the intended users of the evaluation information. The purpose discusses the type of evaluation to be carried out, why the evaluation is being done, how the results will be used, and who the users of the information will be.

The specific objectives of the evaluation should follow from the purpose and type of evaluation. Objectives should be clear and agreed upon by all stakeholders involved.

CONDUCTING EVALUATIONS

Evaluations should be conducted in a professional and ethical manner, giving appropriate opportunities for the participation of all relevant stakeholders and respecting the confidentiality, protection of source, and dignity of those providing information (see Box 1: Evaluation ethics).

There is no single, best method for an evaluation. The methodology needs to be adapted to the circumstances of each case. Evaluation methods depend on the information sought and the type of data being analysed. The data should come from a variety of sources to ensure its accuracy, validity and reliability, and that all affected people/stakeholders are considered. Methodology should explicitly address issues of gender and under-represented groups.

THE EVALUATION OF MINE ACTION PROGRAMMES AND PROJECTS

Evaluation procedures should be realistic, diplomatic, gender and culturally-sensitive, and reflect both cost-consciousness and respect for the time of those asked to provide information.

Evaluations should be conducted in a complete and balanced manner so that different perspectives are addressed and analysed. Evaluation findings should be well-documented, and based on transparent methods that provide valid and reliable information. Key findings should be substantiated through 'triangulation' (obtaining different types of data and from different sources) whenever possible.

Evaluators should offer to provide a debriefing to stakeholders toward the end of any mission to a mine-affected country. The debriefing should cover:

- > the objectives of the evaluation
- > the specific issues addressed
- > the conduct of the mission (including any problems encountered and how these were addressed)
- > a preliminary assessment of key findings plus a description of what further work remains to be done, and
- > an estimated date when a draft of the report, or relevant sections thereof, will be available to stakeholders for review.



Box 1 | Evaluation ethics

Evaluators should be sensitive to beliefs, manners and customs and act with integrity and honesty in their relationships with all stakeholders. Evaluators should be aware of differences in culture, local customs, religious beliefs and practices, personal interaction and gender roles, disability, age and ethnicity, and be mindful of the potential implications of these differences when planning, carrying out and reporting on evaluations.

Evaluators should ensure the honesty and integrity of the entire evaluation process. Evaluators also have an overriding responsibility to ensure that evaluation activities are independent, impartial and accurate.

Evaluators should protect the anonymity and confidentiality of individual informants.

Evaluators should provide maximum notice, minimise demands on time, and respect people's right to privacy.

Evaluators are not expected to evaluate individuals, and should balance an evaluation of management functions with this general principle.

Evaluators are responsible for their performance and their product(s), including:

- > the clear, accurate and fair written and/or oral presentation of study limitations, findings and recommendations
- > the completion of the evaluation within a reasonably planned time, acknowledging unprecedented delays resulting from factors beyond the evaluator's control

REPORTING

Evaluation reports should be logically structured, containing evidence-based findings, conclusions, lessons and recommendations, and should be free of information that is not relevant to the overall analysis. The report should be presented in a way that makes the information accessible and comprehensible. The report should describe who is involved, their roles and their contributions to the subject being evaluated, and any contributions from primary stakeholders, such as communities. The evaluation report should provide an explanation of the evaluation criteria that were used by the evaluators. It also is important to make the basis of value judgments transparent. The rationale for not using a particular criterion should be explained in the report, as should any limitations in applying the criteria. Performance standards or benchmarks used should also be described.

THE EVALUATION OF MINE ACTION PROGRAMMES AND PROJECTS

Reasons for accomplishments and difficulties of the subject being evaluated, especially constraining and enabling factors, should be identified. The report should not just cover a description of implementation and outcomes but include an analysis of the underlying causes, constraints, strengths on which to build, and opportunities. External factors contributing to the accomplishments and difficulties should be identified and analysed, including the social, political or environmental situation.

Evaluation team members should have an opportunity to disassociate themselves from particular judgments and recommendations. Any unresolved differences of opinion within the team should be acknowledged in the report. As well, any conflict of interest, in fact or appearance, should be declared openly and fully, along with the steps taken to ensure it has not affected the evaluation.

Evaluations should be designed to allow all relevant stakeholders access to appropriate sections of the report before it is finalised. Stakeholders should be invited to identify for correction any factual errors or material omissions in the evaluation findings, and to comment on the conclusions and recommendations.

DISSEMINATION

Evaluation reports should be disseminated in whole or in part to stakeholders, and should be made available to others within the mine action community. Commercially sensitive information and confidential matters should be submitted separately to the commissioning body to allow the widest possible distribution of the main report.

If the commissioning body does not wish an evaluation report to be released into the public domain or even distributed to stakeholders, consideration should be given to the distribution and release of the summary (which should then be written with this in mind). If neither the full report nor the summary is to be distributed or released, evaluators should prepare a standard evaluation abstract.

FOLLOW-UP ON EVALUATION RECOMMENDATIONS

Project or programme managers should respond to the recommendations resulting from an evaluation. This may take the form of a management response, action plan and/or agreement clearly stating responsibilities and accountabilities. Follow-up on the implementation of evaluation recommendations that have been accepted by management should then be systematically carried out. Periodic reporting on the status of the implementation of the evaluation recommendations should also be conducted and presented to the governing bodies and/or the head of the organisation.



UXO clearance | Lao PDR

THE RELATIONSHIP BETWEEN MONITORING AND EVALUATION

Monitoring is essentially an ongoing process within a project or programme of tracking and measuring progress and change, as well as serving as a trigger for learning and improvement. It supports evaluation by providing quantitative and qualitative data on the implementation of a project or programme or the achievement of results. In addition to determining compliance with a plan or procedures, monitoring may also assess:

- > progress in implementing objectives or achieving outputs
- > compliance with standards of quality and safety
- > change in the environment in which the intervention is being implemented. This information will assist evaluation by indicating some of the external factors affecting an intervention, and
- > change in the well-being of the beneficiaries of a project or programme, which will assist evaluation in determining effectiveness and potential impact.

Monitoring and evaluation should be considered together in the design and planning of an intervention. Monitoring attempts to answer the question “What are we doing?”. Evaluation, on the other hand, asks “What have we done?”.

THE EVALUATION OF MINE ACTION PROGRAMMES AND PROJECTS

THE RELATIONSHIP BETWEEN AUDIT AND EVALUATION

Audits and evaluations are complementary functions and there is some overlap between them. Audits focus on operations and management controls, and assess these against more-or-less explicit norms or standards (such as IMAS), whereas the scope of evaluations is broader, embracing more strategic issues, with judgements made on the basis of broad principles and criteria, and with different approaches that might be used to assess the worth of a project or programme from different perspectives.

The principal purposes served by audits are:

- > to ensure compliance with established norms or standards (such as IMAS and an organisation's SOPs)
- > to enhance accountability to those paying for mine action (mine action donors, financiers or prime contractors of infrastructure works, etc.), and
- > performance improvement in terms of operations – the resource inputs and activities of a mine action project/programme and the direct outputs of mine action goods and services – in brief, 'doing the job right'.

THE ROLE OF COST-BENEFIT ANALYSIS IN EVALUATION

One approach that is gaining wider acceptance is to use economic assessment of the benefits of mine action services (particularly demining) to demonstrate effectiveness. The standard approaches used for economic assessments are collectively termed cost-benefit analysis. Cost-benefit analysis is used when both costs and benefits can be estimated in monetary terms. It focuses on the single criterion of maximising the economic surplus (ie the net benefit, or benefit minus cost). The basic approach is quite simple:

- > estimate the benefits – in monetary terms – that will arise over time (eg current year, year 1, year 2, and so on) if a task is performed
- > estimate the costs – in monetary terms – that will be incurred over time if the task is performed
- > subtract the costs from benefits to obtain the net benefits for the current and future years, and
- > "discount" the net benefits for future years to obtain the net present value (NPV), internal rate of return (IRR), and/or Benefit-Cost Ratio.

THE EVALUATION OF MINE ACTION PROGRAMMES AND PROJECTS

The GICHD *Study of Socio-Economic Approaches to Mine Action* conducted cost-benefit analysis in both Laos and Mozambique. Based on a cost-benefit analysis of UXO disposal operations in Laos, the study found that, with continuing control of costs, future clearance of unexploded ordnance could be justified on economic grounds alone. Thus, beyond the humanitarian imperative the Lao National Regulatory Authority (NRA) and UXO Lao can now go to donors and ask for funds on the basis that not only will there be human and social benefits to funding future clearance, but also it will be an effective use of financial resources.

Moreover, the analysis showed that the decision to establish a national mine action programme was certainly defensible on economic logic, as future benefits should eventually justify the heavy start-up and capacity-building costs.

Conversely, the analysis for Mozambique suggests that large-scale clearance of mined agricultural land will not, in itself, make a significant net contribution to Mozambique's continued development. A more targeted approach is appropriate, and the study offered two suggestions:

First, adequate land is generally available in all regions except Mozambique's south. But even there the main vulnerability cited by farmers is drought, not a shortage of land. This suggests that economic and social benefits would accrue more from investments in water control than general mine clearance, and clearance activities should support small-scale irrigation and other water projects.

Second, seasonal labour shortages – and particularly women's labour – are typically a more binding constraint on smallholder agricultural production in Mozambique than is land. A 10 per cent increase in the time women have available to tend crops would pay greater dividends than a 10 per cent increase in land available for cropping. Once again, mine action in support of village water projects that reduce the time women spend collecting water would result in higher economic and social benefits than general mine clearance of agricultural land.



THE EVALUATION OF MINE ACTION PROGRAMMES AND PROJECTS

Box 2 | Socio-economic Impact of Mine Action in Afghanistan

Socio-economic analysis provides a valid basis for deciding to undertake a mine action program, or evaluating the results of a mine action program, as is demonstrated in Afghanistan. Under the aegis of the World Bank and the UNDP, a study was undertaken to determine the socio-economic costs of mine problems. According to its Terms of Reference, the study was to “analyse the problem of mines, the cost-benefits of mine operations and how to deal with the mine problem from an integrated socio-economic perspective”.

Rather than merely assessing the size of areas contaminated and the number of mines and ERW involved (a poor indicator of the severity of the threat), the study focused on tangible economic impacts of mine action, benefits and costs of clearing units of land of different types with the actual choice of de-mining techniques. This focus would reveal the extent of the impact on people’s lives and well-being, including mine action impact within the context of other post-conflict development priorities. Renewed access to social infrastructure and use of land, food security and reduced transportation costs would provide valid indicators of success or failure.

This study, undertaken in 1999, was one of the first anywhere in the world to examine benefits and costs of mine action in a wider socio-economic context. The analysis is based on the availability of statistical information and informed estimates. Calculations will need to take into account numerous details related to, for example, the economic loss from a typical mine victim, economic benefits resulting from clearing various types of land, loss of animals to mine accidents, benefits from clearing mined roads, the effectiveness and cost structures of different clearance techniques, etc.

Results of the study managed to identify those practices with highest benefit-costs ratios. A solid benefit-cost ratio for the clearance programme in 1999 as a whole amounted to 1.6, translating into net benefits of US\$40 million. Largest returns were found at clearance of irrigation systems in provinces with good conditions for agriculture, largely irrespective of techniques. Mine dog clearance was found to be superior, dogs being on average 3.5 times more efficient per team hour than manual teams. Dogs, however, cannot be used on all types of land.

In other words, the application of benefit-cost analysis has great potential to identify mine clearance strategies with the highest socio-economic returns. The authors of the study strongly recommend conducting cost-benefit analysis of clearance activities, especially in order to persuade a sometimes sceptical donor community.

“Study of Socio-economic Impacts of Mine Action in Afghanistan (SIMAA)”, Final Report, February 2001.

ENDNOTES

- ¹ The term ‘intervention’ is often used to refer collectively to policies, programmes, projects, project components, etc.
- ² Principles for Evaluation of Development Assistance, [Organisation for Economic Cooperation and Development](#), Development Assistance Committee, 1991, para. 5.

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GLOSSARY OF ABBREVIATIONS AND ACRONYMS

APMBC	Anti-Personnel Mine Ban Convention	GPS	global positioning system
XO	abandoned explosive ordnance	HAC	hydro-abrasive cutting
BAC	battle area clearance	HALO Trust	Hazardous Areas Life-Support Organization
CMAA	Cambodian Mine Action and Victim Assistance Authority	HI	Handicap International
CMAC	Cambodian Mine Action Centre	HRW	Human Rights Watch
CCW	Convention on Certain Conventional Weapons (1980)	IACG-MA	Inter-Agency Coordination Group on Mine Action (UN)
CMA	Cranfield Mine Action	ICBL	International Campaign to Ban Landmines
DDA	Department of Disarmament Affairs	ICRC	International Committee of the Red Cross
DHA	United Nations Department of Humanitarian Affairs (now OCHA)	IDP	internally displaced person
DoD	United States Department of Defense	IED	improvised explosive device
DoS	United States Department of State	IMAS	International Mine Action Standards
DPKO	Department of Peacekeeping Operations (United Nations)	IMSMA	Information Management System for Mine Action
ECOSOC	United Nations Economic and Social Council	KAPB	Knowledge, Attitudes, Practices and Beliefs (or Behaviour)
EOD	explosive ordnance disposal	LFA	Logical Framework Analysis
ERW	explosive remnants of war	LIS	Landmine Impact Survey
EVD	explosive vapour detection	MAC	Mine Action Centre
EU	European Union	MACC	Mine Action Coordination Centre
GICHD	Geneva International Centre for Humanitarian Demining	MAG	Mines Advisory Group
GIS	Geographic Information System	MAU	Mine Action Unit (UNOPS)
GMAA	General Mine Action Assessment	MAX	Mine Action Exchange Programme
GPR	ground penetrating radar	MCPA	Mine Clearance and Planning Agency, Afghanistan
		MDD	mine detection dog

GLOSSARY OF ABBREVIATIONS AND ACRONYMS

MI	Medico International	SHA	suspected hazardous area
MRE	mine risk education	SOP	Standing Operating Procedure
NATO	North Atlantic Treaty Organisation	SWEDEC	Swedish EOD and Demining Centre
NGO	non-governmental organisation	UN	United Nations
NMAA	National Mine Action Authority	UNAMIC	UN Advance Mission in Cambodia
NPA	Norwegian People's Aid	UNCT	United Nations Country Team
NRA	National Regulatory Authority (Lao PDR)	UNDP	United Nations Development Programme
NSA	non-State Actor	UNHCR	Office of the United Nations High Commissioner for Refugees
OAS	Organization of American States	UNICEF	United Nations Children's Fund
OBOD	Open Burning and Open Detonation	UNMAS	United Nations Mine Action Service
OCHA	United Nations Office for the Coordination of Humanitarian Affairs	UNMIK	United Nations Interim Administration Mission in Kosovo
OHCHR	Office of the United Nations High Commissioner for Human Rights	UNOPS	United Nations Office for Project Services
PADCA	Mine Clearing Programme for Central America	UNTAC	United Nations Transitional Authority in Cambodia
PHR	Physicians for Human Rights	USAID	United States Agency for International Development
PRSP	Poverty Reduction Strategy Paper	UXO	unexploded ordnance
QA	quality assurance	UXO LAO	Lao National Unexploded Ordnance Programme
QC	quality control	VVAF	Vietnam Veterans of America Foundation
REST	Remote Explosive Scent Tracing	WFP	World Food Programme
SAC	Survey Action Center	WHO	World Health Organization
SAS	Small Arms Survey	WRF	World Rehabilitation Fund
SEESACC	South Eastern Europe Clearinghouse for the Control of Small Arms		



APPENDIX 1

CONVENTION ON THE PROHIBITION OF THE USE, STOCKPILING, PRODUCTION AND TRANSFER OF ANTI-PERSONNEL MINES AND ON THEIR DESTRUCTION

PREAMBLE

The States Parties,

Determined to put an end to the suffering and casualties caused by anti-personnel mines, that kill or maim hundreds of people every week, mostly innocent and defenceless civilians and especially children, obstruct economic development and reconstruction, inhibit the repatriation of refugees and internally displaced persons, and have other severe consequences for years after emplacement,

Believing it necessary to do their utmost to contribute in an efficient and coordinated manner to face the challenge of removing anti-personnel mines placed throughout the world, and to assure their destruction,

Wishing to do their utmost in providing assistance for the care and rehabilitation, including the social and economic reintegration of mine victims,

Recognizing that a total ban of anti-personnel mines would also be an important confidence-building measure,

Welcoming the adoption of the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices, as amended on 3 May 1996, annexed to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, and calling for the early ratification of this Protocol by all States which have not yet done so,

Welcoming also United Nations General Assembly Resolution 51/45 S of 10 December 1996 urging all States to pursue vigorously an effective, legally-binding international agreement to ban the use, stockpiling, production and transfer of anti-personnel landmines,

Welcoming furthermore the measures taken over the past years, both unilaterally and multilaterally, aiming at prohibiting, restricting or suspending the use, stockpiling, production and transfer of anti-personnel mines,

Stressing the role of public conscience in furthering the principles of humanity as evidenced by the call for a total ban of anti-personnel mines and recognizing the efforts to that end undertaken by the International Red Cross and Red Crescent Movement, the International Campaign to Ban Landmines and numerous other nongovernmental organizations around the world,

APPENDIX 1

CONVENTION ON THE PROHIBITION OF THE USE, STOCKPILING, PRODUCTION AND TRANSFER OF ANTI-PERSONNEL MINES AND ON THEIR DESTRUCTION

Recalling the Ottawa Declaration of 5 October 1996 and the Brussels Declaration of 27 June 1997 urging the international community to negotiate an international and legally binding agreement prohibiting the use, stockpiling, production and transfer of anti-personnel mines,

Emphasizing the desirability of attracting the adherence of all States to this Convention, and determined to work strenuously towards the promotion of its universalization in all relevant fora including, inter alia, the United Nations, the Conference on Disarmament, regional organizations, and groupings, and review conferences of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects,

Basing themselves on the principle of international humanitarian law that the right of the parties to an armed conflict to choose methods or means of warfare is not unlimited, on the principle that prohibits the employment in armed conflicts of weapons, projectiles and materials and methods of warfare of a nature to cause superfluous injury or unnecessary suffering and on the principle that a distinction must be made between civilians and combatants,

Have agreed as follows:

Article 1 | General obligations

1. Each State Party undertakes never under any circumstances:
 - a. To use anti-personnel mines;
 - b. To develop, produce, otherwise acquire, stockpile, retain or transfer to anyone, directly or indirectly, anti-personnel mines;
 - c. To assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Convention.
2. Each State Party undertakes to destroy or ensure the destruction of all anti-personnel mines in accordance with the provisions of this Convention.

Article 2 | Definitions

1. "Anti-personnel mine" means a mine designed to be exploded by the presence, proximity or contact of a person and that will incapacitate, injure or kill one or more persons. Mines designed to be detonated by the presence, proximity or contact of a vehicle as opposed to a person, that are equipped with anti-handling devices, are not considered anti-personnel mines as a result of being so equipped.
2. "Mine" means a munition designed to be placed under, on or near the ground or other surface area and to be exploded by the presence, proximity or contact of a person or a vehicle.
3. "Anti-handling device" means a device intended to protect a mine and which is part of, linked to, attached to or placed under the mine and which activates when an attempt is made to tamper with or otherwise intentionally disturb the mine.

CONVENTION ON THE PROHIBITION OF THE USE, STOCKPILING, PRODUCTION AND TRANSFER OF ANTI-PERSONNEL MINES AND ON THEIR DESTRUCTION

4. "Transfer" involves, in addition to the physical movement of anti-personnel mines into or from national territory, the transfer of title to and control over the mines, but does not involve the transfer of territory containing emplaced anti-personnel mines.
5. "Mined area" means an area which is dangerous due to the presence or suspected presence of mines.

Article 3 | Exceptions

1. Notwithstanding the general obligations under Article 1, the retention or transfer of a number of anti-personnel mines for the development of and training in mine detection, mine clearance, or mine destruction techniques is permitted. The amount of such mines shall not exceed the minimum number absolutely necessary for the above-mentioned purposes.
2. The transfer of anti-personnel mines for the purpose of destruction is permitted.

Article 4 | Destruction of stockpiled anti-personnel mines

Except as provided for in Article 3, each State Party undertakes to destroy or ensure the destruction of all stockpiled anti-personnel mines it owns or possesses, or that are under its jurisdiction or control, as soon as possible but not later than four years after the entry into force of this Convention for that State Party.

Article 5 | Destruction of anti-personnel mines in mined areas

1. Each State Party undertakes to destroy or ensure the destruction of all anti-personnel mines in mined areas under its jurisdiction or control, as soon as possible but not later than ten years after the entry into force of this Convention for that State Party.
2. Each State Party shall make every effort to identify all areas under its jurisdiction or control in which anti-personnel mines are known or suspected to be emplaced and shall ensure as soon as possible that all anti-personnel mines in mined areas under its jurisdiction or control are perimeter-marked, monitored and protected by fencing or other means, to ensure the effective exclusion of civilians, until all anti-personnel mines contained therein have been destroyed. The marking shall at least be to the standards set out in the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices, as amended on 3 May 1996, annexed to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects.
3. If a State Party believes that it will be unable to destroy or ensure the destruction of all anti-personnel mines referred to in paragraph 1 within that time period, it may submit a request to a Meeting of the States Parties or a Review Conference for an extension of the deadline for completing the destruction of such anti-personnel mines, for a period of up to ten years.

CONVENTION ON THE PROHIBITION OF THE USE, STOCKPILING, PRODUCTION AND TRANSFER OF ANTI-PERSONNEL MINES AND ON THEIR DESTRUCTION

4. Each request shall contain:
 - a) The duration of the proposed extension;
 - b) A detailed explanation of the reasons for the proposed extension, including:
 - i. The preparation and status of work conducted under national demining programs;
 - ii. The financial and technical means available to the State Party for the destruction of all the anti-personnel mines; and
 - iii. Circumstances which impede the ability of the State Party to destroy all the anti-personnel mines in mined areas.
 - c) The humanitarian, social, economic, and environmental implications of the extension; and
 - d) Any other information relevant to the request for the proposed extension.
5. The Meeting of the States Parties or the Review Conference shall, taking into consideration the factors contained in paragraph 4, assess the request and decide by a majority of votes of States Parties present and voting whether to grant the request for an extension period.
6. Such an extension may be renewed upon the submission of a new request in accordance with paragraphs 3, 4 and 5 of this Article. In requesting a further extension period a State Party shall submit relevant additional information on what has been undertaken in the previous extension period pursuant to this Article.

Article 6 | International cooperation and assistance

1. In fulfilling its obligations under this Convention each State Party has the right to seek and receive assistance, where feasible, from other States Parties to the extent possible.
2. Each State Party undertakes to facilitate and shall have the right to participate in the fullest possible exchange of equipment, material and scientific and technological information concerning the implementation of this Convention. The States Parties shall not impose undue restrictions on the provision of mine clearance equipment and related technological information for humanitarian purposes.
3. 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 and for mine awareness programs. Such assistance may be provided, inter alia, through the United Nations system, international, regional or national organizations or institutions, the International Committee of the Red Cross, national Red Cross and Red Crescent societies and their International Federation, non-governmental organizations, or on a bilateral basis.
4. Each State Party in a position to do so shall provide assistance for mine clearance and related activities. Such assistance may be provided, inter alia, through the United Nations system, international or regional organizations or institutions, non-governmental organizations or institutions, or on a bilateral basis, or by contributing to the United Nations Voluntary Trust Fund for Assistance in Mine Clearance, or other regional funds that deal with demining.

CONVENTION ON THE PROHIBITION OF THE USE, STOCKPILING, PRODUCTION AND TRANSFER OF ANTI-PERSONNEL MINES AND ON THEIR DESTRUCTION

5. Each State Party in a position to do so shall provide assistance for the destruction of stockpiled anti-personnel mines.
6. Each State Party undertakes to provide information to the database on mine clearance established within the United Nations system, especially information concerning various means and technologies of mine clearance, and lists of experts, expert agencies or national points of contact on mine clearance.
7. States Parties may request the United Nations, regional organizations, other States Parties or other competent intergovernmental or non-governmental fora to assist its authorities in the elaboration of a national demining program to determine, inter alia:
 - a) The extent and scope of the anti-personnel mine problem;
 - b) The financial, technological and human resources that are required for the implementation of the program;
 - c) The estimated number of years necessary to destroy all anti-personnel mines in mined areas under the jurisdiction or control of the concerned State Party;
 - d) Mine awareness activities to reduce the incidence of mine-related injuries or deaths;
 - e) Assistance to mine victims;
 - f) The relationship between the Government of the concerned State Party and the relevant governmental, inter-governmental or non-governmental entities that will work in the implementation of the program.
8. Each State Party giving and receiving assistance under the provisions of this Article shall cooperate with a view to ensuring the full and prompt implementation of agreed assistance programs.

Article 7 | Transparency measures

1. Each State Party shall report to the Secretary-General of the United Nations as soon as practicable, and in any event not later than 180 days after the entry into force of this Convention for that State Party on:
 - a) The national implementation measures referred to in Article 9;
 - b) The total of all stockpiled anti-personnel mines owned or possessed by it, or under its jurisdiction or control, to include a breakdown of the type, quantity and, if possible, lot numbers of each type of anti-personnel mine stockpiled;
 - c) To the extent possible, the location of all mined areas that contain, or are suspected to contain, anti-personnel mines under its jurisdiction or control, to include as much detail as possible regarding the type and quantity of each type of anti-personnel mine in each mined area and when they were emplaced;
 - d) The types, quantities and, if possible, lot numbers of all anti-personnel mines retained or transferred for the development of and training in mine detection, mine clearance or mine destruction techniques, or transferred for the purpose of destruction, as well as the institutions authorized by a State Party to retain or transfer anti-personnel mines, in accordance with Article 3;
 - e) The status of programs for the conversion or de-commissioning of anti-personnel mine production facilities;

CONVENTION ON THE PROHIBITION OF THE USE, STOCKPILING, PRODUCTION AND TRANSFER OF ANTI-PERSONNEL MINES AND ON THEIR DESTRUCTION

- f) The status of programs for the destruction of anti-personnel mines in accordance with Articles 4 and 5, including details of the methods which will be used in destruction, the location of all destruction sites and the applicable safety and environmental standards to be observed;
 - g) The types and quantities of all anti-personnel mines destroyed after the entry into force of this Convention for that State Party, to include a breakdown of the quantity of each type of anti-personnel mine destroyed, in accordance with Articles 4 and 5, respectively, along with, if possible, the lot numbers of each type of anti-personnel mine in the case of destruction in accordance with Article 4;
 - h) The technical characteristics of each type of anti-personnel mine produced, to the extent known, and those currently owned or possessed by a State Party, giving, where reasonably possible, such categories of information as may facilitate identification and clearance of anti-personnel mines; at a minimum, this information shall include the dimensions, fusing, explosive content, metallic content, colour photographs and other information which may facilitate mine clearance; and
 - i) The measures taken to provide an immediate and effective warning to the population in relation to all areas identified under paragraph 2 of Article 5.
2. The information provided in accordance with this Article shall be updated by the States Parties annually, covering the last calendar year, and reported to the Secretary-General of the United Nations not later than 30 April of each year.
 3. The Secretary-General of the United Nations shall transmit all such reports received to the States Parties.

Article 8 | Facilitation and clarification of compliance

1. The States Parties agree to consult and cooperate with each other regarding the implementation of the provisions of this Convention, and to work together in a spirit of cooperation to facilitate compliance by States Parties with their obligations under this Convention.
2. If one or more States Parties wish to clarify and seek to resolve questions relating to compliance with the provisions of this Convention by another State Party, it may submit, through the Secretary-General of the United Nations, a Request for Clarification of that matter to that State Party. Such a request shall be accompanied by all appropriate information. Each State Party shall refrain from unfounded Requests for Clarification, care being taken to avoid abuse. A State Party that receives a Request for Clarification shall provide, through the Secretary-General of the United Nations, within 28 days to the requesting State Party all information which would assist in clarifying this matter.
3. If the requesting State Party does not receive a response through the Secretary-General of the United Nations within that time period, or deems the response to the Request for Clarification to be unsatisfactory, it may submit the matter through the Secretary-General of the United Nations to the next Meeting of the States Parties. The Secretary-General of the United Nations shall transmit the submission, accompanied by all appropriate information pertaining to the

CONVENTION ON THE PROHIBITION OF THE USE, STOCKPILING, PRODUCTION AND TRANSFER OF ANTI-PERSONNEL MINES AND ON THEIR DESTRUCTION

Request for Clarification, to all States Parties. All such information shall be presented to the requested State Party which shall have the right to respond.

4. Pending the convening of any meeting of the States Parties, any of the States Parties concerned may request the Secretary-General of the United Nations to exercise his or her good offices to facilitate the clarification requested.
5. The requesting State Party may propose through the Secretary-General of the United Nations the convening of a Special Meeting of the States Parties to consider the matter. The Secretary-General of the United Nations shall thereupon communicate this proposal and all information submitted by the States Parties concerned, to all States Parties with a request that they indicate whether they favour a Special Meeting of the States Parties, for the purpose of considering the matter. In the event that within 14 days from the date of such communication, at least one-third of the States Parties favours such a Special Meeting, the Secretary-General of the United Nations shall convene this Special Meeting of the States Parties within a further 14 days. A quorum for this Meeting shall consist of a majority of States Parties.
6. The Meeting of the States Parties or the Special Meeting of the States Parties, as the case may be, shall first determine whether to consider the matter further, taking into account all information submitted by the States Parties concerned. The Meeting of the States Parties or the Special Meeting of the States Parties shall make every effort to reach a decision by consensus. If despite all efforts to that end no agreement has been reached, it shall take this decision by a majority of States Parties present and voting.
7. All States Parties shall cooperate fully with the Meeting of the States Parties or the Special Meeting of the States Parties in the fulfillment of its review of the matter, including any fact-finding missions that are authorized in accordance with paragraph 8.
8. If further clarification is required, the Meeting of the States Parties or the Special Meeting of the States Parties shall authorize a fact-finding mission and decide on its mandate by a majority of States Parties present and voting. At any time the requested State Party may invite a fact-finding mission to its territory. Such a mission shall take place without a decision by a Meeting of the States Parties or a Special Meeting of the States Parties to authorize such a mission. The mission, consisting of up to 9 experts, designated and approved in accordance with paragraphs 9 and 10, may collect additional information on the spot or in other places directly related to the alleged compliance issue under the jurisdiction or control of the requested State Party.
9. The Secretary-General of the United Nations shall prepare and update a list of the names, nationalities and other relevant data of qualified experts provided by States Parties and communicate it to all States Parties. Any expert included on this list shall be regarded as designated for all fact-finding missions unless a State Party declares its non-acceptance in writing. In the event of non-acceptance, the expert shall not participate in fact-finding missions on the territory or any other place under the jurisdiction or control of the objecting State Party, if the non-acceptance was declared prior to the appointment of the expert to such missions.

CONVENTION ON THE PROHIBITION OF THE USE, STOCKPILING, PRODUCTION AND TRANSFER OF ANTI-PERSONNEL MINES AND ON THEIR DESTRUCTION

10. Upon receiving a request from the Meeting of the States Parties or a Special Meeting of the States Parties, the Secretary-General of the United Nations shall, after consultations with the requested State Party, appoint the members of the mission, including its leader. Nationals of States Parties requesting the fact-finding mission or directly affected by it shall not be appointed to the mission. The members of the fact-finding mission shall enjoy privileges and immunities under Article VI of the Convention on the Privileges and Immunities of the United Nations, adopted on 13 February 1946.
11. Upon at least 72 hours notice, the members of the fact-finding mission shall arrive in the territory of the requested State Party at the earliest opportunity. The requested State Party shall take the necessary administrative measures to receive, transport and accommodate the mission, and shall be responsible for ensuring the security of the mission to the maximum extent possible while they are on territory under its control.
12. Without prejudice to the sovereignty of the requested State Party, the fact-finding mission may bring into the territory of the requested State Party the necessary equipment which shall be used exclusively for gathering information on the alleged compliance issue. Prior to its arrival, the mission will advise the requested State Party of the equipment that it intends to utilize in the course of its fact-finding mission.
13. The requested State Party shall make all efforts to ensure that the fact-finding mission is given the opportunity to speak with all relevant persons who may be able to provide information related to the alleged compliance issue.
14. The requested State Party shall grant access for the fact-finding mission to all areas and installations under its control where facts relevant to the compliance issue could be expected to be collected. This shall be subject to any arrangements that the requested State Party considers necessary for:
 - a) The protection of sensitive equipment, information and areas;
 - b) The protection of any constitutional obligations the requested State Party may have with regard to proprietary rights, searches and seizures, or other constitutional rights; or
 - c) The physical protection and safety of the members of the fact-finding mission.In the event that the requested State Party makes such arrangements, it shall make every reasonable effort to demonstrate through alternative means its compliance with this Convention.
15. The fact-finding mission may remain in the territory of the State Party concerned for no more than 14 days, and at any particular site no more than 7 days, unless otherwise agreed.
16. All information provided in confidence and not related to the subject matter of the fact-finding mission shall be treated on a confidential basis.
17. The fact-finding mission shall report, through the Secretary-General of the United Nations, to the Meeting of the States Parties or the Special Meeting of the States Parties the results of its findings.

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18. The Meeting of the States Parties or the Special Meeting of the States Parties shall consider all relevant information, including the report submitted by the fact-finding mission, and may request the requested State Party to take measures to address the compliance issue within a specified period of time. The requested State Party shall report on all measures taken in response to this request.
19. The Meeting of the States Parties or the Special Meeting of the States Parties may suggest to the States Parties concerned ways and means to further clarify or resolve the matter under consideration, including the initiation of appropriate procedures in conformity with international law. In circumstances where the issue at hand is determined to be due to circumstances beyond the control of the requested State Party, the Meeting of the States Parties or the Special Meeting of the States Parties may recommend appropriate measures, including the use of cooperative measures referred to in Article 6.
20. The Meeting of the States Parties or the Special Meeting of the States Parties shall make every effort to reach its decisions referred to in paragraphs 18 and 19 by consensus, otherwise by a two-thirds majority of States Parties present and voting.

Article 9 | National implementation measures

Each State Party shall take all appropriate legal, administrative and other measures, including the imposition of penal sanctions, to prevent and suppress any activity prohibited to a State Party under this Convention undertaken by persons or on territory under its jurisdiction or control.

Article 10 | Settlement of disputes

1. The States Parties shall consult and cooperate with each other to settle any dispute that may arise with regard to the application or the interpretation of this Convention. Each State Party may bring any such dispute before the Meeting of the States Parties.
2. The Meeting of the States Parties may contribute to the settlement of the dispute by whatever means it deems appropriate, including offering its good offices, calling upon the States parties to a dispute to start the settlement procedure of their choice and recommending a time-limit for any agreed procedure.
3. This Article is without prejudice to the provisions of this Convention on facilitation and clarification of compliance.

Article 11 | Meetings of the States Parties

1. The States Parties shall meet regularly in order to consider any matter with regard to the application or implementation of this Convention, including:
 - a) The operation and status of this Convention;
 - b) Matters arising from the reports submitted under the provisions of this Convention;
 - c) International cooperation and assistance in accordance with Article 6;
 - d) The development of technologies to clear anti-personnel mines;

APPENDIX 1

CONVENTION ON THE PROHIBITION OF THE USE, STOCKPILING, PRODUCTION AND TRANSFER OF ANTI-PERSONNEL MINES AND ON THEIR DESTRUCTION

- e) Submissions of States Parties under Article 8; and
 - f) Decisions relating to submissions of States Parties as provided for in Article 5.
2. The first Meeting of the States Parties shall be convened by the Secretary-General of the United Nations within one year after the entry into force of this Convention. The subsequent meetings shall be convened by the Secretary-General of the United Nations annually until the first Review Conference.
 3. Under the conditions set out in Article 8, the Secretary-General of the United Nations shall convene a Special Meeting of the States Parties.
 4. States not parties to this Convention, as well as the United Nations, other relevant international organizations or institutions, regional organizations, the International Committee of the Red Cross and relevant non-governmental organizations may be invited to attend these meetings as observers in accordance with the agreed Rules of Procedure.

Article 12 | Review Conferences

1. A Review Conference shall be convened by the Secretary-General of the United Nations five years after the entry into force of this Convention. Further Review Conferences shall be convened by the Secretary-General of the United Nations if so requested by one or more States Parties, provided that the interval between Review Conferences shall in no case be less than five years. All States Parties to this Convention shall be invited to each Review Conference.
2. The purpose of the Review Conference shall be:
 - a) To review the operation and status of this Convention;
 - b) To consider the need for and the interval between further Meetings of the States Parties referred to in paragraph 2 of Article 11;
 - c) To take decisions on submissions of States Parties as provided for in Article 5; and
 - d) To adopt, if necessary, in its final report conclusions related to the implementation of this Convention.
3. States not parties to this Convention, as well as the United Nations, other relevant international organizations or institutions, regional organizations, the International Committee of the Red Cross and relevant non-governmental organizations may be invited to attend each Review Conference as observers in accordance with the agreed Rules of Procedure.

Article 13 | Amendments

1. At any time after the entry into force of this Convention any State Party may propose amendments to this Convention. Any proposal for an amendment shall be communicated to the Depositary, who shall circulate it to all States Parties and shall seek their views on whether an Amendment Conference should be convened to consider the proposal. If a majority of the States Parties notify the Depositary no later than 30 days after its circulation that they support further consideration of the proposal, the Depositary shall convene an Amendment Conference to which all States Parties shall be invited.

CONVENTION ON THE PROHIBITION OF THE USE, STOCKPILING, PRODUCTION AND TRANSFER OF ANTI-PERSONNEL MINES AND ON THEIR DESTRUCTION

2. States not parties to this Convention, as well as the United Nations, other relevant international organizations or institutions, regional organizations, the International Committee of the Red Cross and relevant non-governmental organizations may be invited to attend each Amendment Conference as observers in accordance with the agreed Rules of Procedure.
3. The Amendment Conference shall be held immediately following a Meeting of the States Parties or a Review Conference unless a majority of the States Parties request that it be held earlier.
4. Any amendment to this Convention shall be adopted by a majority of two-thirds of the States Parties present and voting at the Amendment Conference. The Depositary shall communicate any amendment so adopted to the States Parties.
5. An amendment to this Convention shall enter into force for all States Parties to this Convention which have accepted it, upon the deposit with the Depositary of instruments of acceptance by a majority of States Parties. Thereafter it shall enter into force for any remaining State Party on the date of deposit of its instrument of acceptance.

Article 14 | Costs

1. The costs of the Meetings of the States Parties, the Special Meetings of the States Parties, the Review Conferences and the Amendment Conferences shall be borne by the States Parties and States not parties to this Convention participating therein, in accordance with the United Nations scale of assessment adjusted appropriately.
2. The costs incurred by the Secretary-General of the United Nations under Articles 7 and 8 and the costs of any fact-finding mission shall be borne by the States Parties in accordance with the United Nations scale of assessment adjusted appropriately.

Article 15 | Signature

This Convention, done at Oslo, Norway, on 18 September 1997, shall be open for signature at Ottawa, Canada, by all States from 3 December 1997 until 4 December 1997, and at the United Nations Headquarters in New York from 5 December 1997 until its entry into force.

Article 16 | Ratification, acceptance, approval or accession

1. This Convention is subject to ratification, acceptance or approval of the Signatories.
2. It shall be open for accession by any State which has not signed the Convention.
3. The instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.

APPENDIX 1

CONVENTION ON THE PROHIBITION OF THE USE, STOCKPILING, PRODUCTION AND TRANSFER OF ANTI-PERSONNEL MINES AND ON THEIR DESTRUCTION

Article 17 | Entry into force

1. This Convention shall enter into force on the first day of the sixth month after the month in which the 40th instrument of ratification, acceptance, approval or accession has been deposited.
2. For any State which deposits its instrument of ratification, acceptance, approval or accession after the date of the deposit of the 40th instrument of ratification, acceptance, approval or accession, this Convention shall enter into force on the first day of the sixth month after the date on which that State has deposited its instrument of ratification, acceptance, approval or accession.

Article 18 | Provisional application

Any State may at the time of its ratification, acceptance, approval or accession, declare that it will apply provisionally paragraph 1 of Article 1 of this Convention pending its entry into force.

Article 19 | Reservations

The Articles of this Convention shall not be subject to reservations.

Article 20 | Duration and withdrawal

1. This Convention shall be of unlimited duration.
2. Each State Party shall, in exercising its national sovereignty, have the right to withdraw from this Convention. It shall give notice of such withdrawal to all other States Parties, to the Depositary and to the United Nations Security Council. Such instrument of withdrawal shall include a full explanation of the reasons motivating this withdrawal.
3. Such withdrawal shall only take effect six months after the receipt of the instrument of withdrawal by the Depositary. If, however, on the expiry of that six-month period, the withdrawing State Party is engaged in an armed conflict, the withdrawal shall not take effect before the end of the armed conflict.
4. The withdrawal of a State Party from this Convention shall not in any way affect the duty of States to continue fulfilling the obligations assumed under any relevant rules of international law.

Article 21 | Depositary

The Secretary-General of the United Nations is hereby designated as the Depositary of this Convention.

Article 22 | Authentic texts

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

APPENDIX 2

ADHERENCE TO THE ANTI-PERSONNEL MINE BAN CONVENTION

A

Afghanistan
Albania
Algeria
Andorra
Angola
Antigua and Barbuda
Argentina
Australia
Austria

B

Bahamas
Bangladesh
Barbados
Belarus
Belgium
Belize
Benin
Bhutan
Bolivia
Bosnia and Herzegovina
Botswana
Brazil
Brunei Darussalam
Bulgaria
Burkina Faso
Burundi

C

Cambodia
Cameroon
Canada
Cape Verde
Central African Republic
Chad
Chile
Colombia
Comoros
Republic of the Congo
Cook Islands
Costa Rica
Côte d'Ivoire
Croatia
Cyprus
Czech Republic

D

Democratic Republic of the Congo
Denmark
Djibouti
Dominica
Dominican Republic

E

Ecuador
El Salvador
Equatorial Guinea
Eritrea
Estonia
Ethiopia

F

Fiji
France

G

Gabon
Gambia
Germany
Ghana
Greece
Grenada
Guatemala
Guinea
Guinea-Bissau
Guyana

H

Haiti
Holy See
Honduras
Hungary

I

Iceland
Indonesia
Iraq
Ireland
Italy

J

Jamaica
Japan
Jordan

K

Kenya
Kiribati
Kuwait

APPENDIX 2

ADHERENCE TO THE ANTI-PERSONNEL MINE BAN CONVENTION

L

Latvia
Lesotho
Liberia
Liechtenstein
Lithuania
Luxembourg

M

The former Yugoslav
Republic of Macedonia
Madagascar
Malawi
Malaysia
Maldives
Mali
Malta
Mauritania
Mauritius
Mexico
Moldova
Monaco
Montenegro
Mozambique

N

Namibia
Nauru
The Netherlands
New Zealand
Nicaragua
Niger
Nigeria
Niue
Norway

P

Palau
Panama
Papua New Guinea
Paraguay
Peru
Philippines
Portugal

Q

Qatar

R

Romania
Rwanda

S

Saint Kitts and Nevis
Saint Lucia
Saint Vincent and the Grenadines
Samoa
San Marino
São Tomé and Príncipe
Senegal
Serbia
Seychelles
Sierra Leone
Slovakia
Slovenia
Solomon Islands
South Africa
Spain
Sudan
Suriname
Swaziland
Sweden
Switzerland

T

Tajikistan
Tanzania
Thailand
Timor-Leste
Togo
Trinidad and Tobago
Tunisia
Turkey
Turkmenistan

U

Uganda
Ukraine
United Kingdom
Uruguay

V

Vanuatu
Venezuela

Y

Yemen

Z

Zambia
Zimbabwe

**A total of 156 States were party
to the Convention as of 13 April 2010**

APPENDIX 2

ADHERENCE TO THE ANTI-PERSONNEL MINE BAN CONVENTION

SIGNATORIES TO THE ANTI-PERSONNEL MINE BAN CONVENTION

Marshall Islands
Poland

As of 13 April 2010

STATES THAT HAVE NOT SIGNED THE ANTI-PERSONNEL MINE BAN CONVENTION

A

Armenia
Azerbaijan

B

Bahrain

C

China
Cuba

E

Egypt

F

Finland

G

Georgia

I

India
Iran
Israel

K

Kazakhstan
Democratic People's Republic of Korea
Republic of Korea
Kyrgyzstan

L

Laos
Lebanon
Libyan Arab Jamahiriya

M

Micronesia
Mongolia
Morocco
Myanmar

N

Nepal

O

Oman

P

Pakistan

R

Russian Federation

S

Saudi Arabia
Singapore
Somalia
Sri Lanka
Syrian Arab Republic

T

Tonga
Tuvalu

U

United Arab Emirates
United States of America
Uzbekistan

V

Vietnam

As of 13 April 2010

A SHARED COMMITMENT FOR A MINE-FREE WORLD: THE 2009 CARTAGENA DECLARATION

1. We, the high representatives of the States Parties to the Convention banning anti-personnel mines, gathered here at the Cartagena Summit, reaffirm our commitment to ending the suffering caused by anti-personnel mines and to achieving a world free of mines. We are convinced that we will reach this goal in our lifetime.
2. Inspired by our collective achievements, we will strengthen our efforts to overcome the remaining challenges.

A decade of saving lives

3. The number of persons killed or injured by anti-personnel mines has fallen considerably since the Convention entered into force in 1999.
4. Survivors are receiving better care and their human rights have been enhanced. We are inspired by the survivors who participate actively in their communities and in the work of the Convention.
5. Countless lives and limbs have been saved through the destruction of more than 42 million stockpiled anti-personnel mines and the clearance of vast mined areas. We are proud of this humanitarian accomplishment, and of our contribution to the achievement of the Millennium Development Goals.
6. Our aim is universal adherence to the Convention. One-hundred-fifty-six States have already joined the Convention and will never again use anti-personnel mines and nearly all other States observe the global norm it has established. Endeavours to convince other actors not to use anti-personnel mines are bearing fruit.
7. We are proud that the Convention has strengthened international humanitarian law and inspired the development of other instruments for the protection of civilians.
8. These achievements are the result of the partnership we have built between affected and other States, international organisations and civil society.

People remain at risk

9. Despite great efforts and much progress, we have still not been able to fulfil all the promises we as States Parties to the Convention have made to mine victims and to people living with the daily threat caused by anti-personnel mines.

THE 2009 CARTAGENA DECLARATION AND THE CARTAGENA ACTION PLAN

- 10.** Thousands of people – women, girls, boys and men – are injured or killed by anti-personnel mines every year. People living in affected areas remain at risk and the development of their communities is hindered by the presence of anti-personnel mines.
- 11.** A small number of States not parties to the Convention and several armed non-state actors still use anti-personnel mines, causing new humanitarian challenges and continued suffering.
- 12.** As long as people remain at risk, we are compelled to do more to achieve our goal. Compliance makes a difference.

A mine free world is possible

- 13.** We continue to be guided by the humanitarian imperative that led to the Convention.
- 14.** We will ensure the full and effective participation and inclusion of mine victims in the social, cultural, economic and political life of their communities. Our victim assistance efforts will meet the highest international standards in order to fulfill the rights and fundamental freedoms of survivors and other persons with disabilities.
- 15.** We will ensure that all efforts to implement the Convention will involve young and old, women and men, girls and boys, and reflect their views. The dignity and well-being of survivors, their families and communities will be at the core of our efforts.
- 16.** We reaffirm our aim of zero new victims through clearing all mined areas and destroying all anti-personnel mines still in stock as soon as possible. We condemn the use of anti-personnel mines by any actor, including armed non-state actors.
- 17.** We call on all States not yet party to the Convention to join the vast majority of States in our struggle against this weapon.
- 18.** We will make use of synergies with other instruments of international humanitarian and human rights law.
- 19.** We will continue and enhance our cooperation with international organisations and civil society to improve implementation of the Convention.
- 20.** We will commit the necessary national and international resources and work together to pursue our common goal.
- 21.** We appeal to the world to join us in our shared commitment for a mine-free world.

APPENDIX 3

ENDING THE SUFFERING CAUSED BY ANTI-PERSONNEL MINES THE CARTAGENA ACTION PLAN 2010 | 2014

Introduction

1. Reaffirming the fundamental goals of preventing mine casualties and promoting and protecting the human rights of mine survivors, and addressing the needs of mine victims, including survivors, their affected families and communities,
2. Reaffirming their unconditional commitment to the universalization and the full and effective implementation of the Convention,
3. Guided by the knowledge that collectively they are responsible for promoting compliance with the Convention,
4. Building on the Nairobi Action Plan and the accomplishments made in its application as well as the conclusions on implementation as reflected in the documents adopted at the Nairobi Summit on a Mine-Free World,
5. Affirming the importance of new international humanitarian and human rights instruments that, inter alia, reflects enhanced understanding of victim assistance since the Nairobi Summit on a Mine-Free World,
6. Recognizing the special partnerships in the universalization and implementation of the Convention with the United Nations, the International Committee of the Red Cross and the International Campaign to Ban Landmines,
7. Pursuing a gender-sensitive, age-appropriate, inclusive, coherent and coordinated approach to the development and implementation of relevant national policies, plans, legal frameworks and instruments of international law,
8. Pledging to translate this action plan into sustainable progress while acknowledging their respective local, national and regional circumstances in its practical implementation.

The States Parties agree to undertake the following actions in the period 2010 – 2014, in support of enhanced implementation and promotion of the Convention:

I. UNIVERSALIZING THE CONVENTION

9. States Parties are resolved to achieve universal adherence to the Convention and its norms in order to realize the goal of a world free of anti-personnel mines. To this end:

All States Parties will:

Action #1

Seize every opportunity to promote ratification of and accession to the Convention, in particular in regions with low adherence to the Convention.

ENDING THE SUFFERING CAUSED BY ANTI-PERSONNEL MINES THE CARTAGENA ACTION PLAN 2010 | 2014

Action #2

Encourage and support the universalization efforts of all relevant partners, including international organizations, regional organizations, international and national non-governmental organizations as well as the formal and informal mechanisms of the Convention.

Action #3

Seize every opportunity to promote and encourage adherence to the norms of the Convention.

Action #4

Continue promoting universal observance of the Conventions' norms, by condemning, and taking appropriate steps to end the use, stockpiling, production and transfer of anti-personnel mines by armed non-state actors.

Action #5

Condemn and continue to discourage in every possible way any production, transfer and use of anti-personnel mines by any actor.

Action #6

Encourage States not Parties, particularly those that have professed support for the humanitarian objectives of the Convention, to participate in the work of the Convention.

II. DESTROYING STOCKPILED ANTI-PERSONNEL MINES

10. States Parties are resolved to ensure the expeditious and timely destruction of all stockpiled anti-personnel mines in accordance with Article 4, limit to the absolute minimum necessary the number of anti-personnel mines retained under Article 3, prevent further cases of non-compliance, and report as required by Article 7 and in line with the recommendations made by the Ninth Meeting of the States Parties. To this end:

States Parties that have missed their deadlines for completion of obligations under Article 4, and thus remain non-compliant with the Convention, will:

Action #7

Comply, without delay, with Article 4, by destroying all stockpiles of anti-personnel mines.

Action #8

Immediately communicate, to all States Parties, the reasons, which should be cases of force majeure, for failing to comply.

APPENDIX 3

ENDING THE SUFFERING CAUSED BY ANTI-PERSONNEL MINES THE CARTAGENA ACTION PLAN 2010 | 2014

Action #9

Provide a plan to ensure compliance as soon as possible and in strict conformity with relevant safety and environmental standards, including for this purpose relevant legislative measures taken, structures established, committed national resources, assistance needed and committed, and an expected completion date.

All States Parties yet to complete their obligations under Article 4 will:

Action #10

Take all necessary steps to comply with Article 4 as soon as possible, develop necessary national policies, plans, legal frameworks and destruction capacity, prepare plans to implement Article 4 by their deadlines within the first year of becoming a State Party and to begin destroying stockpiles within two years of joining the Convention.

Action #11

Report on the progress of implementation of Article 4, including steps taken at national level, anticipated particular technical and operational challenges, resources allocated and number of anti-personnel mines destroyed, to other States Parties through annual transparency reports, at every meeting of the Standing Committee on Stockpile Destruction and at every Meeting of the States Parties or Review Conference.

All States Parties will:

Action #12

When previously unknown stockpiles are discovered after stockpile destruction deadlines have passed, report such discoveries in accordance with their obligations under Article 7, and in addition take advantage of other informal means to share such information as soon as possible and destroy these anti-personnel mines as a matter of urgent priority.

III. CLEARING MINED AREAS

11. States Parties are resolved to ensure the expeditious identification of all mined areas under their jurisdiction or control and to ensure the clearance and release of these areas as soon as possible, even if an extension has been granted. The speed and manner of mine clearance will have crucial implications for development and human security - the safety and well-being of affected individuals and their communities. To this end:

The States Parties that have been granted an extension to their initial Article 5 deadline will:

Action #13

Complete implementation of Article 5 as soon as possible but not later than their extended deadlines, ensure progress toward completion proceeds in accordance with the commitments made in their extension requests and the decisions taken on their requests, and report regularly on such progress to the meetings of the Standing Committee on Mine Clearance, Mine Risk Education and Mine Action Technologies, Meetings of the States Parties and Review Conferences.

ENDING THE SUFFERING CAUSED BY ANTI-PERSONNEL MINES THE CARTAGENA ACTION PLAN 2010 | 2014

States Parties that have reported mined areas under their jurisdiction or control, will do their utmost to:

Action #14

Identify, if they have not yet done so, the precise perimeters and locations, to the extent possible, of all areas under their jurisdiction or control in which anti-personnel mines are known or are suspected to be emplaced, report this information as required by Article 7, no later than the Tenth Meeting of the States Parties, and incorporate the information into national action plans and relevant broader development and reconstruction plans.

Action #15

Ensure that all available methods for the full and expedient implementation of Article 5 (1), as recommended by States Parties at the Ninth Meeting of the States Parties, are applied where and as relevant, by developing and implementing applicable national standards, policies and procedures for releasing land through technical and non-technical means that are accountable and acceptable to local communities, including through the involvement of women and men in the acceptance process.

Action #16

Take full national ownership of their Article 5 obligations by developing, implementing and regularly reviewing national mine action strategies and associated policies, plans, budget policies and legal frameworks, and inform the Standing Committee on Mine Clearance, Mine Risk Education and Mine Action Technologies on their implementation.

Action #17

Provide annually, in accordance with Article 7, precise information on the number, location and size of mined areas, anticipated particular technical or operational challenges, plans to clear or otherwise release these areas and information on the areas already released, disaggregated by release through clearance, technical survey and non-technical survey.

Action #18

Provide access to all mined border areas where access may be difficult or contested, without prejudice to potential border delineation, to ensure that clearance can proceed as soon as possible, making use of the good offices of Presidents of Meetings of the States Parties or Review Conferences or other third parties as appropriate.

Action #19

Provide mine risk reduction and education programmes, as part of broader risk assessment and reduction activities targeting the most at-risk populations, which are age-appropriate and gender-sensitive, coherent with applicable national and international standards, tailored to the needs of mine-affected communities and integrated into ongoing mine action activities, in particular data gathering, clearance and victim assistance as appropriate.

APPENDIX 3

ENDING THE SUFFERING CAUSED BY ANTI-PERSONNEL MINES THE CARTAGENA ACTION PLAN 2010 | 2014

Action #20

Ensure that all relevant mine action actors inform and actively involve affected local communities and survivors in the assessment of needs, planning and prioritization of activities, and handover of cleared land, by utilising community liaison or other similar means to ensure meaningful participation of all stakeholders.

States Parties that have reported mined areas under their jurisdiction or control but due to exceptional circumstances need to request an extension to their 10-year deadline, will:

Action #21

Inform the States Parties of these exceptional circumstances in due time, develop the extension request in line with the recommendations made by the Seventh Meeting of the States Parties and utilise the opportunity for informal dialogue with the group mandated to analyze the extension request.

All States Parties will:

Action #22

When previously unknown mined areas are discovered after reporting compliance with Article 5 (1), report such discoveries in accordance with their obligations under Article 7, take advantage of other informal means to share such information and destroy the anti-personnel mines in these areas as a matter of urgent priority.

IV. ASSISTING THE VICTIMS

- 12.** States Parties are resolved to provide adequate age- and gender-sensitive assistance to mine victims, through a holistic and integrated approach that includes emergency and continuing medical care, physical rehabilitation, psychological support, and social and economic inclusion in accordance with applicable international humanitarian and human rights law, with the aim of ensuring their full and effective participation and inclusion in the social, cultural, economic and political life of their communities.
- 13.** Victim assistance should be integrated into broader national policies, plans and legal frameworks related to disability, health, education, employment, development and poverty reduction, while placing particular emphasis on ensuring that mine victims have access to specialised services when needed and can access on an equal basis services available to the wider population.
- 14.** States Parties are resolved not to discriminate against or among mine victims, or between mine survivors and other persons with disabilities, and to ensure that differences in treatment should only be based on medical, rehabilitative, psychological or socio-economic needs of the victims.
- 15.** Victim assistance shall be made available, affordable, accessible and sustainable.
- 16.** The principles of equality and non-discrimination, full inclusion and participation, openness, accountability and transparency shall guide victim assistance efforts.

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To this end, States Parties, particularly those accountable to and responsible for the well-being of significant numbers of mine victims, will reinforce their efforts and will do their utmost to:

Action #23

Ensure the inclusion and full and active participation of mine victims and their representative organisations as well as other relevant stakeholders in victim assistance related activities, in particular as regards the national action plan, legal frameworks and policies, implementation mechanisms, monitoring and evaluation.

Action #24

Establish, if they have not yet done so, an inter-ministerial/inter-sectoral coordination mechanism for the development, implementation, monitoring and evaluation of relevant national policies, plans and legal frameworks, and ensure that this focal entity has the authority and resources to carry out its task.

Action #25

Collect all necessary data, disaggregated by sex and age, in order to develop, implement, monitor and evaluate adequate national policies, plans and legal frameworks including by assessing the needs and priorities of mine victims and the availability and quality of relevant services, make such data available to all relevant stakeholders and ensure that such efforts contribute to national injury surveillance and other relevant data collection systems for use in programme planning.

Action #26

Develop, or review and modify if necessary, implement, monitor and evaluate national policies, plans and legal frameworks with a view to meet the needs and human rights of mine victims.

Action #27

Develop and implement, if they have not yet done so, a comprehensive plan of action and budget that addresses the rights and needs of mine victims through objectives that are specific, measurable, achievable, relevant and time bound, ensuring that such a plan is integrated into broader relevant national policies, plans, and legal frameworks.

Action #28

Monitor and evaluate progress regarding victim assistance within broader national policies, plans and legal frameworks on an ongoing basis, encourage relevant States Parties to report on the progress made, including resources allocated to implementation and challenges in achieving their objectives, and encourage States Parties in a position to do so to also report on how they are responding to efforts to address the rights and needs of mine victims.

Action #29

Ensure the continued involvement and effective contribution in all relevant convention related activities by health, rehabilitation, social services, education, employment, gender and disability rights experts, including mine survivors, inter alia by supporting the inclusion of such expertise in their delegations.

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Action #30

Strengthen national ownership as well as develop and implement capacity building and training plans to promote and enhance the capacity of the women, men and associations of victims, other organisations and national institutions charged with delivering services and implementing relevant national policies, plans and legal frameworks.

Action #31

Increase availability of and accessibility to appropriate services for female and male mine victims, by removing physical, social, cultural, economic, political and other barriers, including by expanding quality services in rural and remote areas and paying particular attention to vulnerable groups.

Action #32

Ensure that appropriate services are accessible through the development, dissemination and application of existing relevant standards, accessibility guidelines and of good practices to enhance victim assistance efforts.

Action #33

Raise awareness among mine victims about their rights and available services, as well as within government authorities, service providers and the general public to foster respect for the rights and dignity of persons with disabilities including mine survivors.

V. INTERNATIONAL COOPERATION AND ASSISTANCE FOR ACHIEVING THE CONVENTION'S AIMS

17. States Parties recognize that fulfilling their obligations will require sustained substantial political, financial and material commitments, provided both through national commitments and international, regional and bilateral cooperation and assistance, in accordance with the obligations under Article 6.

To this end, States Parties with obligations to destroy stockpiled anti-personnel mines, identify and clear mined areas, and assist mine victims, will:

Action #34

Without delay, and no later than the Tenth Meeting of the States Parties, develop or update national plans as well as map the national resources available to meet their obligations and the needs for inter-national cooperation and assistance.

Action #35

Make their needs known to other States Parties and relevant organisations if they require financial, technical or other forms of international cooperation and assistance to meet obligations under the Convention, and identify these activities as a priority in relevant development goals and strategies.

Action #36

Promote technical cooperation, information exchange on good practices and other forms of mutual assistance with other affected States Parties to take advantage of the knowledge and expertise acquired in the course of fulfilling their obligations.

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States Parties in a position to do so will:

Action #37

Promptly assist States Parties that have communicated needs for support for stockpile destruction, mine clearance, mine risk education and victim assistance, responding to the priorities for assistance as articulated by mine-affected States Parties themselves in their national plans and ensuring the continuity and sustainability of resource commitments.

Action #38

Support specialised mine action programmes, providing where possible multi-year funding to facilitate long-term planning of mine action programmes, under national management and ownership, paying particular attention to the specific needs and circumstances of the least developed States Parties, and ensuring that mine action remains a high priority, including in broader humanitarian, development assistance, disarmament and security programmes.

Action #39

Support the national efforts of those States Parties with clearly demonstrated needs to develop their capacities to provide assistance to mine victims and other persons with disabilities by providing where possible multi-year financial, material or technical assistance in response to the priorities of the affected State to facilitate long-term planning, implementation and monitoring of victim assistance-related activities.

Action #40

In the spirit of the Convention's aims, endeavour to continue supporting States Parties that have completed their Article 5 obligations in their efforts to address the humanitarian consequences resulting from mine and explosive remnants of war contamination.

Action #41

Ensure that international cooperation and assistance, including development cooperation, is age-appropriate and gender-sensitive and inclusive of, and accessible to, persons with disabilities, including mine survivors.

Action #42

Support the further investigation and development of technical solutions to overcome the particular challenges associated with destroying PFM mines.

Action #43

Continue to support, as appropriate, mine action to assist populations in areas where armed non-state actors operate including by facilitating access for humanitarian organizations.

All States Parties will:

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Action #44

Ensure that mine action activities of the United Nations, national and international non-governmental organizations and other actors, where relevant, are incorporated into national mine action planning frameworks and are consistent with national priorities and international obligations.

Action #45

Develop and promote regional cooperation in sharing and effectively using national experiences and good practices, resources, technology and expertise in stockpile destruction and mine clearance, to implement the Convention and to engage the cooperation of regional organizations.

Action #46

Develop and promote regional and bilateral cooperation in sharing and effectively using national experiences and good practices, resources, technology and expertise in addressing the rights and needs of mine victims and other persons with disabilities, to implement the Convention and to engage the cooperation of regional organizations.

Action #47

Strengthen the partnerships between affected and non-affected States Parties and among affected States Parties to identify and mobilise new technical, material and financial sources of support for activities to implement the Convention.

Action #48

Ensure that the Convention and its informal mechanisms include and provide a specific and effective framework for identifying needs and mobilising national and international resources to meet these needs.

Action #49

Contribute to further development of the International Mine Action Standards to be used as a frame of reference to establish national standards and operational procedures for addressing all aspects of mine and other explosive ordnance contamination.

Action #50

In recognition of the pivotal role of mine action in meeting the UN Millennium Development Goals, continue to promote the inclusion of mine action activities into ongoing development programmes, bearing in mind the international aid effectiveness agenda, and to promote the identification of mine action as a priority in local, national and international development actions, in cooperation with regional and international organizations and the international financial institutions.

Action #51

Ensure cooperation among all relevant actors to improve national and international policies and development strategies, enhance effectiveness in mine action and reduce the need to rely on international personnel.

Action #52

Ensure that assistance in mine action is based on appropriate surveys, needs analysis, age-appropriate and gender-sensitive strategies and cost-effective approaches.

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VI. ADDITIONAL ACTIONS ESSENTIAL TO ACHIEVING THE CONVENTION'S AIMS

Compliance

Action #53

All States Parties will, in case of alleged or known non-compliance with the Convention, work together with the States Parties concerned to resolve the matter expeditiously in a manner consistent with Article 8 (1).

Reporting and transparency

States Parties that have not submitted their initial Article 7 report will:

Action #54

Immediately fulfil their obligation to initially submit and annually update Article 7 transparency reports.

All States Parties will:

Action #55

Maximise and take full advantage of the flexibility of the Article 7 reporting process as a tool to assist in implementation, including through the reporting format "Form J" to provide information on matters which may assist in the implementation process and in resource mobilization, such as information on international cooperation and assistance, victim assistance efforts and needs and information on measures being taken to ensure gender sensitization in all aspects of mine action.

States Parties that have retained anti-personnel mines under Article 5 of the Convention will:

Action #56

Regularly review the number of anti-personnel mines retained to ensure that they constitute the minimum number absolutely necessary for the purposes permitted by the Convention and destroy all those exceeding that number and where appropriate explore available alternatives to using live anti-personnel mines for training and research activities.

Action #57

Annually report, on a voluntary basis, on the plans for and actual use of anti-personnel mines retained, explain any increase or decrease in the number of retained anti-personnel mines.

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All States Parties will:

Action #58

Encourage States Parties that have maintained, under the provisions of Article 3, the same number of anti-personnel mines over periods of years, and have not reported on the use of such mines for permitted purposes or on concrete plans for their use, to report on such use and such plans and to review whether these anti-personnel mines are needed and constitute the minimum number absolutely necessary for permitted purposes and to destroy those that are in excess of this number.

Accountability

States Parties that have not developed national implementation measures will:

Action #59

As a matter of urgency, develop and adopt legislative, administrative and other measures in accordance with Article 9, to fulfil their obligations under this Article and thereby contributing to full compliance with the Convention.

All States Parties will:

Action #60

Share information on implementing legislation and its application through reports made in accordance with Article 7 and the Intersessional Work Programme.

Action #61

Recognize that when armed non-state actors operate under State Parties' jurisdiction or control, such non-state actors will be held responsible for acts prohibited to States Parties under the Convention, in accordance with national measures taken under Article 9.

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Implementation partnerships and support

All States Parties will:

Action #62

Recognize and further encourage the full participation in and contribution to the implementation of the Convention by the International Campaign to Ban Landmines, the International Committee of the Red Cross, national Red Cross and Red Crescent societies and their International Federation, the United Nations, the Geneva International Centre for Humanitarian Demining, international and regional organizations, mine survivors and their organizations, and other civil society organizations.

Action #63

Support the efforts of the President and the Coordinating Committee to ensure effective and transparent preparations and conduct of meetings of the Convention.

Action #64

Recognize the essential role of the Implementation Support Unit, hosted by the Geneva International Centre for Humanitarian Demining, in implementing the Convention, including by preparing the meetings of the Standing Committees, the Meetings of the States Parties and Review Conferences, supporting the President and the Coordinating Committee, providing advisory services to the States Parties and by administering the Sponsorship Programme.

Action #65

Make use of synergies with other relevant instruments of international humanitarian and human rights law.

States Parties in a position to do so will:

Action #66

Provide necessary financial resources for the effective operation of the Implementation Support Unit.

Action #67

Contribute to the Sponsorship Programme thereby permitting widespread representation at meetings of the Convention, particularly by mine-affected developing States Parties.

APPENDIX 4

THE CONVENTION ON CLUSTER MUNITIONS

30 MAY 2008

DIPLMATIC CONFERENCE FOR THE ADOPTION OF A CONVENTION ON CLUSTER MUNITIONS | DUBLIN 19 - 30 MAY 2008 **CONVENTION ON CLUSTER MUNITIONS**

The States Parties to this Convention,

Deeply concerned that civilian populations and individual civilians continue to bear the brunt of armed conflict,

Determined to put an end for all time to the suffering and casualties caused by cluster munitions at the time of their use, when they fail to function as intended or when they are abandoned,

Concerned that cluster munition remnants kill or maim civilians, including women and children, obstruct economic and social development, including through the loss of livelihood, impede post-conflict rehabilitation and reconstruction, delay or prevent the return of refugees and internally displaced persons, can negatively impact on national and international peace-building and humanitarian assistance efforts, and have other severe consequences that can persist for many years after use,

Deeply concerned also at the dangers presented by the large national stockpiles of cluster munitions retained for operational use and determined to ensure their rapid destruction,

Believing it necessary to contribute effectively in an efficient, coordinated manner to resolving the challenge of removing cluster munition remnants located throughout the world, and to ensure their destruction,

Determined also to ensure the full realisation of the rights of all cluster munition victims and recognising their inherent dignity,

Resolved to do their utmost in providing assistance to cluster munition victims, including medical care, rehabilitation and psychological support, as well as providing for their social and economic inclusion,

Recognising the need to provide age- and gender-sensitive assistance to cluster munition victims and to address the special needs of vulnerable groups,

Bearing in mind the Convention on the Rights of Persons with Disabilities which, *inter alia*, requires that States Parties to that Convention undertake to ensure and promote the full realisation of all human rights and fundamental freedoms of all persons with disabilities without discrimination of any kind on the basis of disability,

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Mindful of the need to coordinate adequately efforts undertaken in various fora to address the rights and needs of victims of various types of weapons, and resolved to avoid discrimination among victims of various types of weapons,

Reaffirming that in cases not covered by this Convention or by other international agreements, civilians and combatants remain under the protection principles of international law, derived from established custom, from the principles of humanity and from the dictates of public conscience,

Resolved also that armed groups distinct from the armed forces of a State shall not, under any circumstances, be permitted to engage in any activity prohibited to a State Party to this Convention,

Welcoming the very broad international support for the international norm prohibiting anti-personnel mines, enshrined in the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction,

Welcoming also the adoption of the Protocol on Explosive Remnants of War, annexed to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, and its entry into force on 12 November 2006, and wishing to enhance the protection of civilians from the effects of cluster munition remnants in post-conflict environments,

Bearing in mind also United Nations Security Council Resolution 1325 on women, peace and security and United Nations Security Council Resolution 1612 on children in armed conflict,

Welcoming further the steps taken nationally, regionally and globally in recent years aimed at prohibiting, restricting or suspending the use, stockpiling, production and transfer of cluster munitions,

Stressing the role of public conscience in furthering the principles of humanity as evidenced by the global call for an end to civilian suffering caused by cluster munitions and recognising the efforts to that end undertaken by the United Nations, the International Committee of the Red Cross, the Cluster Munition Coalition and numerous other non-governmental organisations around the world,

Reaffirming the Declaration of the Oslo Conference on Cluster Munitions, by which, *inter alia*, States recognised the grave consequences caused by the

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use of cluster munitions and committed themselves to conclude by 2008 a legally binding instrument that would prohibit the use, production, transfer and stockpiling of cluster munitions that cause unacceptable harm to civilians, and would establish a framework for cooperation and assistance that ensures adequate provision of care and rehabilitation for victims, clearance of contaminated areas, risk reduction education and destruction of stockpiles,

Emphasising the desirability of attracting the adherence of all States to this Convention, and determined to work strenuously towards the promotion of its universalisation and its full implementation,

Basing themselves on the principles and rules of international humanitarian law, in particular the principle that the right of parties to an armed conflict to choose methods or means of warfare is not unlimited, and the rules that the parties to a conflict shall at all times distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly direct their operations against military objectives only, that in the conduct of military operations constant care shall be taken to spare the civilian population, civilians and civilian objects and that the civilian population and individual civilians enjoy general protection against dangers arising from military operations,

Have agreed as follows:

Article 1 | General obligations and scope of application

1. Each State Party undertakes never under any circumstances to:
 - (a) Use cluster munitions;
 - (b) Develop, produce, otherwise acquire, stockpile, retain or transfer to anyone, directly or indirectly, cluster munitions;
 - (c) Assist, encourage or induce anyone to engage in any activity prohibited to a State Party under this Convention.
2. Paragraph 1 of this Article applies, *mutatis mutandis*, to explosive bomblets that are specifically designed to be dispersed or released from dispensers affixed to aircraft.
3. This Convention does not apply to mines.

Article 2 | Definitions

For the purposes of this Convention:

1. "Cluster munition victims" means all persons who have been killed or suffered physical or psychological injury, economic loss, social marginalisation or substantial impairment of the realisation of their rights caused by the use of cluster munitions. They include those persons directly impacted by cluster munitions as well as their affected families and communities;
2. "Cluster munition" means a conventional munition that is designed to disperse or release explosive submunitions each weighing less than 20 kilograms, and includes those explosive submunitions. It does not mean the following:

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- (a) A munition or submunition designed to dispense flares, smoke, pyrotechnics or chaff; or a munition designed exclusively for an air defence role;
- (b) A munition or submunition designed to produce electrical or electronic effects;
- (c) A munition that, in order to avoid indiscriminate area effects and the risks posed by unexploded submunitions, has all of the following characteristics:
 - (i) Each munition contains fewer than ten explosive submunitions;
 - (ii) Each explosive submunition weighs more than four kilograms;
 - (iii) Each explosive submunition is designed to detect and engage a single target object;
 - (iv) Each explosive submunition is equipped with an electronic selfdestruction mechanism;
 - (v) Each explosive submunition is equipped with an electronic selfdeactivating feature.
- 3. "Explosive submunition" means a conventional munition that in order to perform its task is dispersed or released by a cluster munition and is designed to function by detonating an explosive charge prior to, on or after impact;
- 4. "Failed cluster munition" means a cluster munition that has been fired, dropped, launched, projected or otherwise delivered and which should have dispersed or released its explosive submunitions but failed to do so;
- 5. "Unexploded submunition" means an explosive submunition that has been dispersed or released by, or otherwise separated from, a cluster munition and has failed to explode as intended;
- 6. "Abandoned cluster munitions" means cluster munitions or explosive submunitions that have not been used and that have been left behind or dumped, and that are no longer under the control of the party that left them behind or dumped them. They may or may not have been prepared for use;
- 7. "Cluster munition remnants" means failed cluster munitions, abandoned cluster munitions, unexploded submunitions and unexploded bomblets;
- 8. "Transfer" involves, in addition to the physical movement of cluster munitions into or from national territory, the transfer of title to and control over cluster munitions, but does not involve the transfer of territory containing cluster munition remnants;
- 9. "Self-destruction mechanism" means an incorporated automatically functioning mechanism which is in addition to the primary initiating mechanism of the munition and which secures the destruction of the munition into which it is incorporated;
- 10. "Self-deactivating" means automatically rendering a munition inoperable by means of the irreversible exhaustion of a component, for example a battery, that is essential to the operation of the munition;
- 11. "Cluster munition contaminated area" means an area known or suspected to contain cluster munition remnants;
- 12. "Mine" means a munition designed to be placed under, on or near the ground or other surface area and to be exploded by the presence, proximity or contact of a person or a vehicle;
- 13. "Explosive bomblet" means a conventional munition, weighing less than 20 kilograms, which is not self-propelled and which, in order to perform its task, is dispersed or released by a dispenser, and is designed to function by detonating an explosive charge prior to, on or after impact;
- 14. "Dispenser" means a container that is designed to disperse or release explosive bomblets and which is affixed to an aircraft at the time of dispersal or release;

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15. "Unexploded bomblet" means an explosive bomblet that has been dispersed, released or otherwise separated from a dispenser and has failed to explode as intended.

Article 3 | Storage and stockpile destruction

1. Each State Party shall, in accordance with national regulations, separate all cluster munitions under its jurisdiction and control from munitions retained for operational use and mark them for the purpose of destruction.
2. Each State Party undertakes to destroy or ensure the destruction of all cluster munitions referred to in paragraph 1 of this Article as soon as possible but not later than eight years after the entry into force of this Convention for that State Party. Each State Party undertakes to ensure that destruction methods comply with applicable international standards for protecting public health and the environment.
3. If a State Party believes that it will be unable to destroy or ensure the destruction of all cluster munitions referred to in paragraph 1 of this Article within eight years of entry into force of this Convention for that State Party it may submit a request to a Meeting of States Parties or a Review Conference for an extension of the deadline for completing the destruction of such cluster munitions by a period of up to four years. A State Party may, in exceptional circumstances, request additional extensions of up to four years. The requested extensions shall not exceed the number of years strictly necessary for that State Party to complete its obligations under paragraph 2 of this Article.
4. Each request for an extension shall set out:
 - (a) The duration of the proposed extension;
 - (b) A detailed explanation of the proposed extension, including the financial and technical means available to or required by the State Party for the destruction of all cluster munitions referred to in paragraph 1 of this Article and, where applicable, the exceptional circumstances justifying it;
 - (c) A plan for how and when stockpile destruction will be completed;
 - (d) The quantity and type of cluster munitions and explosive submunitions held at the entry into force of this Convention for that State Party and any additional cluster munitions or explosive submunitions discovered after such entry into force;
 - (e) The quantity and type of cluster munitions and explosive submunitions destroyed during the period referred to in paragraph 2 of this Article; and
 - (f) The quantity and type of cluster munitions and explosive submunitions remaining to be destroyed during the proposed extension and the annual destruction rate expected to be achieved.
5. The Meeting of States Parties or the Review Conference shall, taking into consideration the factors referred to in paragraph 4 of this Article, assess the request and decide by a majority of votes of States Parties present and voting whether to grant the request for an extension. The States Parties may decide to grant a shorter extension than that requested and may propose benchmarks for the extension, as appropriate. A request for an extension shall be submitted a minimum of nine months prior to the Meeting of States Parties or the Review Conference at which it is to be considered.

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6. Notwithstanding the provisions of Article 1 of this Convention, the retention or acquisition of a limited number of cluster munitions and explosive submunitions for the development of and training in cluster munition and explosive submunition detection, clearance or destruction techniques, or for the development of cluster munition counter-measures, is permitted. The amount of explosive submunitions retained or acquired shall not exceed the minimum number absolutely necessary for these purposes.
7. Notwithstanding the provisions of Article 1 of this Convention, the transfer of cluster munitions to another State Party for the purpose of destruction, as well as for the purposes described in paragraph 6 of this Article, is permitted.
8. States Parties retaining, acquiring or transferring cluster munitions or explosive submunitions for the purposes described in paragraphs 6 and 7 of this Article shall submit a detailed report on the planned and actual use of these cluster munitions and explosive submunitions and their type, quantity and lot numbers. If cluster munitions or explosive submunitions are transferred to another State Party for these purposes, the report shall include reference to the receiving party. Such a report shall be prepared for each year during which a State Party retained, acquired or transferred cluster munitions or explosive submunitions and shall be submitted to the Secretary-General of the United Nations no later than 30 April of the following year.

Article 4 | Clearance and destruction of cluster munition remnants and risk reduction education

1. Each State Party undertakes to clear and destroy, or ensure the clearance and destruction of, cluster munition remnants located in cluster munition contaminated areas under its jurisdiction or control, as follows:
 - (a) Where cluster munition remnants are located in areas under its jurisdiction or control at the date of entry into force of this Convention for that State Party, such clearance and destruction shall be completed as soon as possible but not later than ten years from that date;
 - (b) Where, after entry into force of this Convention for that State Party, cluster munitions have become cluster munition remnants located in areas under its jurisdiction or control, such clearance and destruction must be completed as soon as possible but not later than ten years after the end of the active hostilities during which such cluster munitions became cluster munition remnants; and
 - (c) Upon fulfilling either of its obligations set out in sub-paragraphs (a) and (b) of this paragraph, that State Party shall make a declaration of compliance to the next Meeting of States Parties.
2. In fulfilling its obligations under paragraph 1 of this Article, each State Party shall take the following measures as soon as possible, taking into consideration the provisions of Article 6 of this Convention regarding international cooperation and assistance:
 - (a) Survey, assess and record the threat posed by cluster munition remnants, making every effort to identify all cluster munition contaminated areas under its jurisdiction or control;
 - (b) Assess and prioritise needs in terms of marking, protection of civilians, clearance and destruction, and take steps to mobilise resources and develop a national plan to carry out these activities, building, where appropriate, upon existing structures, experiences and methodologies;

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- (c) Take all feasible steps to ensure that all cluster munition contaminated areas under its jurisdiction or control are perimeter-marked, monitored and protected by fencing or other means to ensure the effective exclusion of civilians. Warning signs based on methods of marking readily recognisable by the affected community should be utilised in the marking of suspected hazardous areas. Signs and other hazardous area boundary markers should, as far as possible, be visible, legible, durable and resistant to environmental effects and should clearly identify which side of the marked boundary is considered to be within the cluster munition contaminated areas and which side is considered to be safe;
 - (d) Clear and destroy all cluster munition remnants located in areas under its jurisdiction or control; and
 - (e) Conduct risk reduction education to ensure awareness among civilians living in or around cluster munition contaminated areas of the risks posed by such remnants.
 3. In conducting the activities referred to in paragraph 2 of this Article, each State Party shall take into account international standards, including the International Mine Action Standards (IMAS).
 4. This paragraph shall apply in cases in which cluster munitions have been used or abandoned by one State Party prior to entry into force of this Convention for that State Party and have become cluster munition remnants that are located in areas under the jurisdiction or control of another State Party at the time of entry into force of this Convention for the latter.
 - (a) In such cases, upon entry into force of this Convention for both States Parties, the former State Party is strongly encouraged to provide, inter alia, technical, financial, material or human resources assistance to the latter State Party, either bilaterally or through a mutually agreed third party, including through the United Nations system or other relevant organisations, to facilitate the marking, clearance and destruction of such cluster munition remnants.
 - (b) Such assistance shall include, where available, information on types and quantities of the cluster munitions used, precise locations of cluster munition strikes and areas in which cluster munition remnants are known to be located.
 5. If a State Party believes that it will be unable to clear and destroy or ensure the clearance and destruction of all cluster munition remnants referred to in paragraph 1 of this Article within ten years of the entry into force of this Convention for that State Party, it may submit a request to a Meeting of States Parties or a Review Conference for an extension of the deadline for completing the clearance and destruction of such cluster munition remnants by a period of up to five years. The requested extension shall not exceed the number of years strictly necessary for that State Party to complete its obligations under paragraph 1 of this Article.
 6. A request for an extension shall be submitted to a Meeting of States Parties or a Review Conference prior to the expiry of the time period referred to in paragraph 1 of this Article for that State Party. Each request shall be submitted a minimum of nine months prior to the Meeting of States Parties or Review Conference at which it is to be considered. Each request shall set out:
 - (a) The duration of the proposed extension;
 - (b) A detailed explanation of the reasons for the proposed extension, including the financial and technical means available to and required by the State Party for the clearance and destruction of all cluster munition remnants during the proposed extension;

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- (c) The preparation of future work and the status of work already conducted under national clearance and demining programmes during the initial ten year period referred to in paragraph 1 of this Article and any subsequent extensions;
 - (d) The total area containing cluster munition remnants at the time of entry into force of this Convention for that State Party and any additional areas containing cluster munition remnants discovered after such entry into force;
 - (e) The total area containing cluster munition remnants cleared since entry into force of this Convention;
 - (f) The total area containing cluster munition remnants remaining to be cleared during the proposed extension;
 - (g) The circumstances that have impeded the ability of the State Party to destroy all cluster munition remnants located in areas under its jurisdiction or control during the initial ten year period referred to in paragraph 1 of this Article, and those that may impede this ability during the proposed extension;
 - (h) The humanitarian, social, economic and environmental implications of the proposed extension; and
 - (i) Any other information relevant to the request for the proposed extension.
7. The Meeting of States Parties or the Review Conference shall, taking into consideration the factors referred to in paragraph 6 of this Article, including, *inter alia*, the quantities of cluster munition remnants reported, assess the request and decide by a majority of votes of States Parties present and voting whether to grant the request for an extension. The States Parties may decide to grant a shorter extension than that requested and may propose benchmarks for the extension, as appropriate.
 8. Such an extension may be renewed by a period of up to five years upon the submission of a new request, in accordance with paragraphs 5, 6 and 7 of this Article. In requesting a further extension a State Party shall submit relevant additional information on what has been undertaken during the previous extension granted pursuant to this Article.

Article 5 | Victim assistance

1. Each State Party with respect to cluster munition victims in areas under its jurisdiction or control shall, in accordance with applicable international humanitarian and human rights law, adequately provide age- and gender-sensitive assistance, including medical care, rehabilitation and psychological support, as well as provide for their social and economic inclusion. Each State Party shall make every effort to collect reliable relevant data with respect to cluster munition victims.
2. In fulfilling its obligations under paragraph 1 of this Article each State Party shall:
 - (a) Assess the needs of cluster munition victims;
 - (b) Develop, implement and enforce any necessary national laws and policies;
 - (c) Develop a national plan and budget, including timeframes to carry out these activities, with a view to incorporating them within the existing national disability, development and human rights frameworks and mechanisms, while respecting the specific role and contribution of relevant actors;
 - (d) Take steps to mobilise national and international resources;
 - (e) Not discriminate against or among cluster munition victims, or between cluster munition victims and those who have suffered injuries or disabilities from other causes; differences in treatment should be based only on medical, rehabilitative, psychological or socio-economic needs;

THE CONVENTION ON CLUSTER MUNITIONS

- (f) Closely consult with and actively involve cluster munition victims and their representative organisations;
- (g) Designate a focal point within the government for coordination of matters relating to the implementation of this Article; and
- (h) Strive to incorporate relevant guidelines and good practices including in the areas of medical care, rehabilitation and psychological support, as well as social and economic inclusion.

Article 6 | International cooperation and assistance

1. In fulfilling its obligations under this Convention each State Party has the right to seek and receive assistance.
2. Each State Party in a position to do so shall provide technical, material and financial assistance to States Parties affected by cluster munitions, aimed at the implementation of the obligations of this Convention. Such assistance may be provided, *inter alia*, through the United Nations system, international, regional or national organisations or institutions, non-governmental organisations or institutions, or on a bilateral basis.
3. Each State Party undertakes to facilitate and shall have the right to participate in the fullest possible exchange of equipment and scientific and technological information concerning the implementation of this Convention. The States Parties shall not impose undue restrictions on the provision and receipt of clearance and other such equipment and related technological information for humanitarian purposes.
4. In addition to any obligations it may have pursuant to paragraph 4 of Article 4 of this Convention, each State Party in a position to do so shall provide assistance for clearance and destruction of cluster munition remnants and information concerning various means and technologies related to clearance of cluster munitions, as well as lists of experts, expert agencies or national points of contact on clearance and destruction of cluster munition remnants and related activities.
5. Each State Party in a position to do so shall provide assistance for the destruction of stockpiled cluster munitions, and shall also provide assistance to identify, assess and prioritise needs and practical measures in terms of marking, risk reduction education, protection of civilians and clearance and destruction as provided in Article 4 of this Convention.
6. Where, after entry into force of this Convention, cluster munitions have become cluster munition remnants located in areas under the jurisdiction or control of a State Party, each State Party in a position to do so shall urgently provide emergency assistance to the affected State Party.
7. Each State Party in a position to do so shall provide assistance for the implementation of the obligations referred to in Article 5 of this Convention to adequately provide age- and gender-sensitive assistance, including medical care, rehabilitation and psychological support, as well as provide for social and economic inclusion of cluster munition victims. Such assistance may be provided, *inter alia*, through the United Nations system, international, regional or national organisations or institutions, the International Committee of the Red Cross, national Red Cross and Red Crescent Societies and their International Federation, non-governmental organisations or on a bilateral basis.

THE CONVENTION ON CLUSTER MUNITIONS

8. Each State Party in a position to do so shall provide assistance to contribute to the economic and social recovery needed as a result of cluster munition use in affected States Parties.
9. Each State Party in a position to do so may contribute to relevant trust funds in order to facilitate the provision of assistance under this Article.
10. Each State Party that seeks and receives assistance shall take all appropriate measures in order to facilitate the timely and effective implementation of this Convention, including facilitation of the entry and exit of personnel, materiel and equipment, in a manner consistent with national laws and regulations, taking into consideration international best practices.
11. Each State Party may, with the purpose of developing a national action plan, request the United Nations system, regional organisations, other States Parties or other competent intergovernmental or non-governmental institutions to assist its authorities to determine, inter alia:
 - (a) The nature and extent of cluster munition remnants located in areas under its jurisdiction or control;
 - (b) The financial, technological and human resources required for the implementation of the plan;
 - (c) The time estimated as necessary to clear and destroy all cluster munition remnants located in areas under its jurisdiction or control;
 - (d) Risk reduction education programmes and awareness activities to reduce the incidence of injuries or deaths caused by cluster munition remnants;
 - (e) Assistance to cluster munition victims; and
 - (f) The coordination relationship between the government of the State Party concerned and the relevant governmental, intergovernmental or non-governmental entities that will work in the implementation of the plan.
12. States Parties giving and receiving assistance under the provisions of this Article shall cooperate with a view to ensuring the full and prompt implementation of agreed assistance programmes.

Article 7 | Transparency measures

1. Each State Party shall report to the Secretary-General of the United Nations as soon as practicable, and in any event not later than 180 days after the entry into force of this Convention for that State Party, on:
 - (a) The national implementation measures referred to in Article 9 of this Convention;
 - (b) The total of all cluster munitions, including explosive submunitions, referred to in paragraph 1 of Article 3 of this Convention, to include a breakdown of their type, quantity and, if possible, lot numbers of each type;
 - (c) The technical characteristics of each type of cluster munition produced by that State Party prior to entry into force of this Convention for it, to the extent known, and those currently owned or possessed by it, giving, where reasonably possible, such categories of information as may facilitate identification and clearance of cluster munitions; at a minimum, this information shall include the dimensions, fusing, explosive content, metallic content, colour photographs and other information that may facilitate the clearance of cluster munition remnants;
 - (d) The status and progress of programmes for the conversion or decommissioning of production facilities for cluster munitions;

THE CONVENTION ON CLUSTER MUNITIONS

- (e) The status and progress of programmes for the destruction, in accordance with Article 3 of this Convention, of cluster munitions, including explosive submunitions, with details of the methods that will be used in destruction, the location of all destruction sites and the applicable safety and environmental standards to be observed;
 - (f) The types and quantities of cluster munitions, including explosive submunitions, destroyed in accordance with Article 3 of this Convention, including details of the methods of destruction used, the location of the destruction sites and the applicable safety and environmental standards observed;
 - (g) Stockpiles of cluster munitions, including explosive submunitions, discovered after reported completion of the programme referred to in sub-paragraph (e) of this paragraph, and plans for their destruction in accordance with Article 3 of this Convention;
 - (h) To the extent possible, the size and location of all cluster munition contaminated areas under its jurisdiction or control, to include as much detail as possible regarding the type and quantity of each type of cluster munition remnant in each such area and when they were used;
 - (i) The status and progress of programmes for the clearance and destruction of all types and quantities of cluster munition remnants cleared and destroyed in accordance with Article 4 of this Convention, to include the size and location of the cluster munition contaminated area cleared and a breakdown of the quantity of each type of cluster munition remnant cleared and destroyed;
 - (j) The measures taken to provide risk reduction education and, in particular, an immediate and effective warning to civilians living in cluster munition contaminated areas under its jurisdiction or control;
 - (k) The status and progress of implementation of its obligations under Article 5 of this Convention to adequately provide age- and gendersensitive assistance, including medical care, rehabilitation and psychological support, as well as provide for social and economic inclusion of cluster munition victims and to collect reliable relevant data with respect to cluster munition victims;
 - (l) The name and contact details of the institutions mandated to provide information and to carry out the measures described in this paragraph;
 - (m) The amount of national resources, including financial, material or in kind, allocated to the implementation of Articles 3, 4 and 5 of this Convention; and
 - (n) The amounts, types and destinations of international cooperation and assistance provided under Article 6 of this Convention.
2. The information provided in accordance with paragraph 1 of this Article shall be updated by the States Parties annually, covering the previous calendar year, and reported to the Secretary-General of the United Nations not later than 30 April of each year.
 3. The Secretary-General of the United Nations shall transmit all such reports received to the States Parties.

THE CONVENTION ON CLUSTER MUNITIONS**Article 8** | Facilitation and clarification of compliance

1. The States Parties agree to consult and cooperate with each other regarding the implementation of the provisions of this Convention and to work together in a spirit of cooperation to facilitate compliance by States Parties with their obligations under this Convention.
2. If one or more States Parties wish to clarify and seek to resolve questions relating to a matter of compliance with the provisions of this Convention by another State Party, it may submit, through the Secretary-General of the United Nations, a Request for Clarification of that matter to that State Party. Such a request shall be accompanied by all appropriate information. Each State Party shall refrain from unfounded Requests for Clarification, care being taken to avoid abuse. A State Party that receives a Request for Clarification shall provide, through the Secretary-General of the United Nations, within 28 days to the requesting State Party all information that would assist in clarifying the matter.
3. If the requesting State Party does not receive a response through the Secretary-General of the United Nations within that time period, or deems the response to the Request for Clarification to be unsatisfactory, it may submit the matter through the Secretary-General of the United Nations to the next Meeting of States Parties. The Secretary-General of the United Nations shall transmit the submission, accompanied by all appropriate information pertaining to the Request for Clarification, to all States Parties. All such information shall be presented to the requested State Party which shall have the right to respond.
4. Pending the convening of any Meeting of States Parties, any of the States Parties concerned may request the Secretary-General of the United Nations to exercise his or her good offices to facilitate the clarification requested.
5. Where a matter has been submitted to it pursuant to paragraph 3 of this Article, the Meeting of States Parties shall first determine whether to consider that matter further, taking into account all information submitted by the States Parties concerned. If it does so determine, the Meeting of States Parties may suggest to the States Parties concerned ways and means further to clarify or resolve the matter under consideration, including the initiation of appropriate procedures in conformity with international law. In circumstances where the issue at hand is determined to be due to circumstances beyond the control of the requested State Party, the Meeting of States Parties may recommend appropriate measures, including the use of cooperative measures referred to in Article 6 of this Convention.
6. In addition to the procedures provided for in paragraphs 2 to 5 of this Article, the Meeting of States Parties may decide to adopt such other general procedures or specific mechanisms for clarification of compliance, including facts, and resolution of instances of non-compliance with the provisions of this Convention as it deems appropriate.

Article 9 | National implementation measures

Each State Party shall take all appropriate legal, administrative and other measures to implement this Convention, including the imposition of penal sanctions to prevent and suppress any activity prohibited to a State Party under this Convention undertaken by persons or on territory under its jurisdiction or control.

THE CONVENTION ON CLUSTER MUNITIONS

Article 10 | Settlement of disputes

1. When a dispute arises between two or more States Parties relating to the interpretation or application of this Convention, the States Parties concerned shall consult together with a view to the expeditious settlement of the dispute by negotiation or by other peaceful means of their choice, including recourse to the Meeting of States Parties and referral to the International Court of Justice in conformity with the Statute of the Court.
2. The Meeting of States Parties may contribute to the settlement of the dispute by whatever means it deems appropriate, including offering its good offices, calling upon the States Parties concerned to start the settlement procedure of their choice and recommending a time-limit for any agreed procedure.

Article 11 | Meetings of States Parties

1. The States Parties shall meet regularly in order to consider and, where necessary, take decisions in respect of any matter with regard to the application or implementation of this Convention, including:
 - (a) The operation and status of this Convention;
 - (b) Matters arising from the reports submitted under the provisions of this Convention;
 - (c) International cooperation and assistance in accordance with Article 6 of this Convention;
 - (d) The development of technologies to clear cluster munition remnants;
 - (e) Submissions of States Parties under Articles 8 and 10 of this Convention; and
 - (f) Submissions of States Parties as provided for in Articles 3 and 4 of this Convention.
2. The first Meeting of States Parties shall be convened by the Secretary-General of the United Nations within one year of entry into force of this Convention. The subsequent meetings shall be convened by the Secretary-General of the United Nations annually until the first Review Conference.
3. States not party to this Convention, as well as the United Nations, other relevant international organisations or institutions, regional organisations, the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies and relevant non-governmental organisations may be invited to attend these meetings as observers in accordance with the agreed rules of procedure.

Article 12 | Review Conferences

1. A Review Conference shall be convened by the Secretary-General of the United Nations five years after the entry into force of this Convention. Further Review Conferences shall be convened by the Secretary-General of the United Nations if so requested by one or more States Parties, provided that the interval between Review Conferences shall in no case be less than five years. All States Parties to this Convention shall be invited to each Review Conference.
2. The purpose of the Review Conference shall be:
 - (a) To review the operation and status of this Convention;
 - (b) To consider the need for and the interval between further Meetings of States Parties referred to in paragraph 2 of Article 11 of this Convention; and
 - (c) To take decisions on submissions of States Parties as provided for in Articles 3 and 4 of this Convention.

THE CONVENTION ON CLUSTER MUNITIONS

3. States not party to this Convention, as well as the United Nations, other relevant international organisations or institutions, regional organisations, the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies and relevant non-governmental organisations may be invited to attend each Review Conference as observers in accordance with the agreed rules of procedure.

Article 13 | Amendments

1. At any time after its entry into force any State Party may propose amendments to this Convention. Any proposal for an amendment shall be communicated to the Secretary-General of the United Nations, who shall circulate it to all States Parties and shall seek their views on whether an Amendment Conference should be convened to consider the proposal. If a majority of the States Parties notify the Secretary-General of the United Nations no later than 90 days after its circulation that they support further consideration of the proposal, the Secretary-General of the United Nations shall convene an Amendment Conference to which all States Parties shall be invited.
2. States not party to this Convention, as well as the United Nations, other relevant international organisations or institutions, regional organisations, the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies and relevant non-governmental organisations may be invited to attend each Amendment Conference as observers in accordance with the agreed rules of procedure.
3. The Amendment Conference shall be held immediately following a Meeting of States Parties or a Review Conference unless a majority of the States Parties request that it be held earlier.
4. Any amendment to this Convention shall be adopted by a majority of two-thirds of the States Parties present and voting at the Amendment Conference. The Depositary shall communicate any amendment so adopted to all States.
5. An amendment to this Convention shall enter into force for States Parties that have accepted the amendment on the date of deposit of acceptances by a majority of the States which were Parties at the date of adoption of the amendment. Thereafter it shall enter into force for any remaining State Party on the date of deposit of its instrument of acceptance.

Article 14 | Costs and administrative tasks

1. The costs of the Meetings of States Parties, the Review Conferences and the Amendment Conferences shall be borne by the States Parties and States not party to this Convention participating therein, in accordance with the United Nations scale of assessment adjusted appropriately.
2. The costs incurred by the Secretary-General of the United Nations under Articles 7 and 8 of this Convention shall be borne by the States Parties in accordance with the United Nations scale of assessment adjusted appropriately.
3. The performance by the Secretary-General of the United Nations of administrative tasks assigned to him or her under this Convention is subject to an appropriate United Nations mandate.

APPENDIX 4

THE CONVENTION ON CLUSTER MUNITIONS

Article 15 | Signature

This Convention, done at Dublin on 30 May 2008, shall be open for signature at Oslo by all States on 3 December 2008 and thereafter at United Nations Headquarters in New York until its entry into force.

Article 16 | Ratification, acceptance, approval or accession

1. This Convention is subject to ratification, acceptance or approval by the Signatories.
2. It shall be open for accession by any State that has not signed the Convention.
3. The instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.

Article 17 | Entry into force

1. This Convention shall enter into force on the first day of the sixth month after the month in which the thirtieth instrument of ratification, acceptance, approval or accession has been deposited.
2. For any State that deposits its instrument of ratification, acceptance, approval or accession after the date of the deposit of the thirtieth instrument of ratification, acceptance, approval or accession, this Convention shall enter into force on the first day of the sixth month after the date on which that State has deposited its instrument of ratification, acceptance, approval or accession.

Article 18 | Provisional application

Any State may, at the time of its ratification, acceptance, approval or accession, declare that it will apply provisionally Article 1 of this Convention pending its entry into force for that State.

Article 19 | Reservations

The Articles of this Convention shall not be subject to reservations.

Article 20 | Duration and withdrawal

1. This Convention shall be of unlimited duration.
2. Each State Party shall, in exercising its national sovereignty, have the right to withdraw from this Convention. It shall give notice of such withdrawal to all other States Parties, to the Depositary and to the United Nations Security Council. Such instrument of withdrawal shall include a full explanation of the reasons motivating withdrawal.
3. Such withdrawal shall only take effect six months after the receipt of the instrument of withdrawal by the Depositary. If, however, on the expiry of that sixmonth period, the withdrawing State Party is engaged in an armed conflict, the withdrawal shall not take effect before the end of the armed conflict.

THE CONVENTION ON CLUSTER MUNITIONS

Article 21 | Relations with States not party to this Convention

1. Each State Party shall encourage States not party to this Convention to ratify, accept, approve or accede to this Convention, with the goal of attracting the adherence of all States to this Convention.
2. Each State Party shall notify the governments of all States not party to this Convention, referred to in paragraph 3 of this Article, of its obligations under this Convention, shall promote the norms it establishes and shall make its best efforts to discourage States not party to this Convention from using cluster munitions.
3. Notwithstanding the provisions of Article 1 of this Convention and in accordance with international law, States Parties, their military personnel or nationals, may engage in military cooperation and operations with States not party to this Convention that might engage in activities prohibited to a State Party.
4. Nothing in paragraph 3 of this Article shall authorise a State Party:
 - (a) To develop, produce or otherwise acquire cluster munitions;
 - (b) To itself stockpile or transfer cluster munitions;
 - (c) To itself use cluster munitions; or
 - (d) To expressly request the use of cluster munitions in cases where the choice of munitions used is within its exclusive control.

Article 22 | Depositary

The Secretary-General of the United Nations is hereby designated as the Depositary of this Convention.

Article 23 | Authentic texts

The Arabic, Chinese, English, French, Russian and Spanish texts of this Convention shall be equally authentic.

APPENDIX 5

ADHERENCE TO THE CONVENTION ON CLUSTER MUNITIONS

States having signed and ratified the Convention

3 December 2008

Holy See
Ireland
Norway
Sierra Leone

18 March 2009

Lao People's
Democratic Republic

2 April 2009

Austria

6 May 2009

Mexico

2 June 2009

Niger

16 June 2009

Albania

17 June 2009

Spain

8 July 2009

Germany

10 July 2009

Luxembourg
San Marino

14 July 2009

Japan

12 August 2009

Zambia

17 August 2009

Croatia

19 August 2009

Slovenia

24 September 2009

Malta
Uruguay

25 September 2009

Burundi
France

7 October 2009

Malawi

8 October 2009

the former Yugoslav
Republic of Macedonia

2 November 2009

Nicaragua

22 December 2009

Belgium
New Zealand

25 January 2010

Montenegro

12 February 2010

Denmark

16 February 2010

Burkina Faso
Moldova

Signatories

A

Afghanistan
Albania
Angola
Australia
Austria

B

Belgium
Benin
Bolivia
Bosnia and Herzegovina
Botswana
Bulgaria
Burkina Faso
Burundi

C

Canada
Cape Verde
Central African Republic
Chad
Chile
Colombia
Comoros
Congo, Democratic
Republic of
Cook Islands
Costa Rica
Côte d'Ivoire
Croatia
Cyprus
Czech Republic

ADHERENCE TO THE CONVENTION ON CLUSTER MUNITIONS**D**

the Dominican Republic
Denmark

E

Ecuador
El Salvador

F

Fiji
France

G

Gambia
Germany
Ghana
Guatemala
Guinea
Guinea-Bissau

H

Haiti
Holy See
Honduras
Hungary

I

Iceland
Indonesia
Iraq
Ireland
Italy

J

Jamaica
Japan

K

Kenya

L

Lao PDR
Lebanon
Lesotho
Liberia
Liechtenstein
Lithuania
Luxembourg

M

the former Yugoslav Republic of Macedonia
Madagascar
Malawi
Mali
Malta
Mauritania
Mexico
Moldova
Monaco
Montenegro
Mozambique

N

Namibia
Nauru
the Netherlands
New Zealand
Nicaragua
Niger
Nigeria
Norway

P

Palau
Panama
Paraguay
Peru
Philippines
Portugal

R

Rwanda

S

Samoa
Saint Vincent and the Grenadines
San Marino
Sao Tome and Principe
Senegal
Sierra Leone
Slovenia
Somalia
South Africa
Spain
Sweden
Switzerland

T

Tanzania
Togo
Tunisia

U

Uganda
United Kingdom
Uruguay

Z

Zambia

As of 13 April 2010

APPENDIX 6

CONVENTION ON CERTAIN CONVENTIONAL WEAPONS (CCW), AMENDED PROTOCOL II AND PROTOCOL V

CONVENTION ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF CERTAIN CONVENTIONAL WEAPONS WHICH MAY BE DEEMED TO BE EXCESSIVELY INJURIOUS OR TO HAVE INDISCRIMINATE EFFECTS AS AMENDED ON 21 DECEMBER 2001

The High Contracting Parties,

Recalling that every State has the duty, in conformity with the Charter of the United Nations, to refrain in its international relations from the threat or use of force against the sovereignty, territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations,

Further recalling the general principle of the protection of the civilian population against the effects of hostilities,

Basing themselves on the principle of international law that the right of the parties to an armed conflict to choose methods or means of warfare is not unlimited, and on the principle that prohibits the employment in armed conflicts of weapons, projectiles and material and methods of warfare of a nature to cause superfluous injury or unnecessary suffering,

Also recalling that it is prohibited to employ methods or means of warfare which are intended, or may be expected, to cause widespread, long-term and severe damage to the natural environment,

Confirming their determination that in cases not covered by this Convention and its annexed Protocols or by other international agreements, the civilian population and the combatants shall at all times remain under the protection and authority of the principles of international law derived from established custom, from the principles of humanity and from the dictates of public conscience,

Desiring to contribute to international détente, the ending of the arms race and the building of confidence among States, and hence to the realization of the aspiration of all peoples to live in peace,

Recognizing the importance of pursuing every effort which may contribute to progress towards general and complete disarmament under strict and effective international control,

Reaffirming the need to continue the codification and progressive development of the rules of international law applicable in armed conflict,

CONVENTION ON CERTAIN CONVENTIONAL WEAPONS (CCW), AMENDED PROTOCOL II AND PROTOCOL V

Wishing to prohibit or restrict further the use of certain conventional weapons and believing that the positive results achieved in this area may facilitate the main talks on disarmament with a view to putting an end to the production, stockpiling and proliferation of such weapons,

Emphasizing the desirability that all States become parties to this Convention and its annexed Protocols, especially the militarily significant States,

Bearing in mind that the General Assembly of the United Nations and the United Nations Disarmament Commission may decide to examine the question of a possible broadening of the scope of the prohibitions and restrictions contained in this Convention and its annexed Protocols,

Further bearing in mind that the Committee on Disarmament may decide to consider the question of adopting further measures to prohibit or restrict the use of certain conventional weapons,

Have agreed as follows:

Article 1 | Scope of application

1. This Convention and its annexed Protocols shall apply in the situations referred to in Article 2 common to the Geneva Conventions of 12 August 1949 for the Protection of War Victims, including any situation described in paragraph 4 of Article I of Additional Protocol I to these Conventions.
2. This Convention and its annexed Protocols shall also apply, in addition to situations referred to in paragraph 1 of this Article, to situations referred to in Article 3 common to the Geneva Conventions of 12 August 1949. This Convention and its annexed Protocols shall not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature, as not being armed conflicts.
3. In case of armed conflicts not of an international character occurring in the territory of one of the High Contracting Parties, each party to the conflict shall be bound to apply the prohibitions and restrictions of this Convention and its annexed Protocols.
4. Nothing in this Convention or its annexed Protocols shall be invoked for the purpose of affecting the sovereignty of a State or the responsibility of the Government, by all legitimate means, to maintain or re-establish law and order in the State or to defend the national unity and territorial integrity of the State.
5. Nothing in this Convention or its annexed Protocols shall be invoked as a justification for intervening, directly or indirectly, for any reason whatever, in the armed conflict or in the internal or external affairs of the High Contracting Party in the territory of which that conflict occurs.
6. The application of the provisions of this Convention and its annexed Protocols to parties to a conflict which are not High Contracting Parties that have accepted this Convention or its annexed Protocols, shall not change their legal status or the legal status of a disputed territory, either explicitly or implicitly.

APPENDIX 6

CONVENTION ON CERTAIN CONVENTIONAL WEAPONS (CCW), AMENDED PROTOCOL II AND PROTOCOL V

7. The provisions of Paragraphs 2-6 of this Article shall not prejudice additional Protocols adopted after 1 January 2002, which may apply, exclude or modify the scope of their application in relation to this Article.

Article 2 | Relations with other international agreements

Nothing in this Convention or its annexed Protocols shall be interpreted as detracting from other obligations imposed upon the High Contracting Parties by international humanitarian law applicable in armed conflict.

Article 3 | Signature

This Convention shall be open for signature by all States at United Nations Headquarters in New York for a period of twelve months from 10 April 1981.

Article 4 | Ratification, acceptance, approval or accession

1. This Convention is subject to ratification, acceptance or approval by the Signatories. Any State which has not signed this Convention may accede to it.
2. The instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.
3. Expressions of consent to be bound by any of the Protocols annexed to this Convention shall be optional for each State, provided that at the time of the deposit of its instrument of ratification, acceptance or approval of this Convention or of accession thereto, that State shall notify the Depositary of its consent to be bound by any two or more of these Protocols.
4. At any time after the deposit of its instrument of ratification, acceptance or approval of this Convention or of accession thereto, a State may notify the Depositary of its consent to be bound by any annexed Protocol by which it is not already bound.
5. Any Protocol by which a High Contracting Party is bound shall for that Party form an integral part of this Convention.

Article 5 | Entry into force

1. This Convention shall enter into force six months after the date of deposit of the twentieth instrument of ratification, acceptance, approval or accession.
2. For any State which deposits its instrument of ratification, acceptance, approval or accession after the date of the deposit of the twentieth instrument of ratification, acceptance, approval or accession, this Convention shall enter into force six months after the date on which that State has deposited its instrument of ratification, acceptance, approval or accession.
3. Each of the Protocols annexed to this Convention shall enter into force six months after the date by which twenty States have notified their consent to be bound by it in accordance with paragraph 3 or 4 of Article 4 of this Convention.

CONVENTION ON CERTAIN CONVENTIONAL WEAPONS (CCW), AMENDED PROTOCOL II AND PROTOCOL V

4. For any State which notifies its consent to be bound by a Protocol annexed to this Convention after the date by which twenty States have notified their consent to be bound by it, the Protocol shall enter into force six months after the date on which that State has notified its consent so to be bound.

Article 6 | Dissemination

The High Contracting Parties undertake, in time of peace as in time of armed conflict, to disseminate this Convention and those of its annexed Protocols by which they are bound as widely as possible in their respective countries and, in particular, to include the study thereof in their programmes of military instruction, so that those instruments may become known to their armed forces.

Article 7 | Treaty relations upon entry into force of this Convention

1. When one of the parties to a conflict is not bound by an annexed Protocol, the parties bound by this Convention and that annexed Protocol shall remain bound by them in their mutual relations.
2. Any High Contracting Party shall be bound by this Convention and any Protocol annexed thereto which is in force for it, in any situation contemplated by Article 1, in relation to any State which is not a party to this Convention or bound by the relevant annexed Protocol, if the latter accepts and applies this Convention or the relevant Protocol, and so notifies the Depositary.
3. The Depositary shall immediately inform the High Contracting Parties concerned of any notification received under paragraph 2 of this Article.
4. This Convention, and the annexed Protocols by which a High Contracting Party is bound, shall apply with respect to an armed conflict against that High Contracting Party of the type referred to in Article 1, paragraph 4, of Additional Protocol I to the Geneva Conventions of 12 August 1949 for the Protection of War Victims:
 - (a) where the High Contracting Party is also a party to Additional Protocol I and an authority referred to in Article 96, paragraph 3, of that Protocol has undertaken to apply the Geneva Conventions and Additional Protocol I in accordance with Article 96, paragraph 3, of the said Protocol, and undertakes to apply this Convention and the relevant annexed Protocols in relation to that conflict; or
 - (b) where the High Contracting Party is not a party to Additional Protocol I and an authority of the type referred to in subparagraph (a) above accepts and applies the obligations of the Geneva Conventions and of this Convention and the relevant annexed Protocols in relation to that conflict. Such an acceptance and application shall have in relation to that conflict the following effects:
 - (i) the Geneva Conventions and this Convention and its relevant annexed Protocols are brought into force for the parties to the conflict with immediate effect;
 - (ii) the said authority assumes the same rights and obligations as those which have been assumed by a High Contracting Party to the Geneva Conventions, this Convention and its relevant annexed Protocols; and

CONVENTION ON CERTAIN CONVENTIONAL WEAPONS (CCW), AMENDED PROTOCOL II AND PROTOCOL V

(iii) the Geneva Conventions, this Convention and its relevant annexed Protocols are equally binding upon all parties to the conflict. The High Contracting Party and the authority may also agree to accept and apply the obligations of Additional Protocol I to the Geneva Conventions on a reciprocal basis.

Article 8 | Review and amendments

1. (a) At any time after the entry into force of this Convention any High Contracting Party may propose amendments to this Convention or any annexed Protocol by which it is bound.

Any proposal for an amendment shall be communicated to the Depositary, who shall notify it to all the High Contracting Parties and shall seek their views on whether a conference should be convened to consider the proposal. If a majority, that shall not be less than eighteen of the High Contracting Parties so agree, he shall promptly convene a conference to which all High Contracting Parties shall be invited. States not parties to this Convention shall be invited to the conference as observers.

- (b) Such a conference may agree upon amendments which shall be adopted and shall enter into force in the same manner as this Convention and the annexed Protocols, provided that amendments to this Convention may be adopted only by the High Contracting Parties and that amendments to a specific annexed Protocol may be adopted only by the High Contracting Parties which are bound by that Protocol.

2. (a) At any time after the entry into force of this Convention any High Contracting Party may propose additional protocols relating to other categories of conventional weapons not covered by the existing annexed Protocols. Any such proposal for an additional protocol shall be communicated to the Depositary, who shall notify it to all the High Contracting Parties in accordance with subparagraph 1 (a) of this Article. If a majority, that shall not be less than eighteen of the High Contracting Parties so agree, the Depositary shall promptly convene a conference to which all States shall be invited.

(b) Such a conference may agree, with the full participation of all States represented at the conference, upon additional protocols which shall be adopted in the same manner as this Convention, shall be annexed thereto and shall enter into force as provided in paragraphs 3 and 4 of Article 5 of this Convention.

3. (a) If, after a period of ten years following the entry into force of this Convention, no conference has been convened in accordance with subparagraph 1 (a) or 2 (a) of this Article, any High Contracting Party may request the Depositary to

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convene a conference to which all High Contracting Parties shall be invited to review the scope and operation of this Convention and the Protocols annexed thereto and to consider any proposal for amendments of this Convention or of the existing Protocols. States not parties to this Convention shall be invited as observers to the conference. The conference may agree upon amendments which shall be adopted and enter into force in accordance with subparagraph 1 (b) above.

- (b) At such conference consideration may also be given to any proposal for additional protocols relating to other categories of conventional weapons not covered by the existing annexed Protocols. All States represented at the conference may participate fully in such consideration. Any additional protocols shall be adopted in the same manner as this Convention, shall be annexed thereto and shall enter into force as provided in paragraphs 3 and 4 of Article 5 of this Convention.
- (c) Such a conference may consider whether provision should be made for the convening of a further conference at the request of any High Contracting Party if, after a similar period to that referred to in subparagraph 3 (a) of this Article, no conference has been convened in accordance with subparagraph 1 (a) or 2 (a) of this Article.

Article 9 | Denunciation

1. Any High Contracting Party may denounce this Convention or any of its annexed Protocols by so notifying the Depositary.
2. Any such denunciation shall only take effect one year after receipt by the Depositary of the notification of denunciation. If, however, on the expiry of that year the denouncing High Contracting Party is engaged in one of the situations referred to in Article 1, the Party shall continue to be bound by the obligations of this Convention and of the relevant annexed Protocols until the end of the armed conflict or occupation and, in any case, until the termination of operations connected with the final release, repatriation or re-establishment of the person protected by the rules of international law applicable in armed conflict, and in the case of any annexed Protocol containing provisions concerning situations in which peacekeeping, observation or similar functions are performed by United Nations forces or missions in the area concerned, until the termination of those functions.
3. Any denunciation of this Convention shall be considered as also applying to all annexed Protocols by which the denouncing High Contracting Party is bound.
4. Any denunciation shall have effect only in respect of the denouncing High Contracting Party.
5. Any denunciation shall not affect the obligations already incurred, by reason of an armed conflict, under this Convention and its annexed Protocols by such denouncing High Contracting Party in respect of any act committed before this denunciation becomes effective.

APPENDIX 6

AMENDED PROTOCOL II

Article 10 | Depositary

1. The Secretary-General of the United Nations shall be the Depositary of this Convention and of its annexed Protocols.
2. In addition to his usual functions, the Depositary shall inform all States of:
 - (a) signatures affixed to this Convention under Article 3;
 - (b) deposits of instruments of ratification, acceptance or approval of or accession to this Convention deposited under Article 4;
 - (c) notifications of consent to be bound by annexed Protocols under Article 4;
 - (d) the dates of entry into force of this Convention and of each of its annexed Protocols under Article 5; and
 - (e) notifications of denunciation received under article 9, and their effective date.

Article 11 | Authentic texts

The original of this Convention with the annexed Protocols, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Depositary, who shall transmit certified true copies thereof to all States.

PROTOCOL ON PROHIBITIONS OR RESTRICTIONS ON THE USE OF MINES, BOOBY-TRAPS AND OTHER DEVICES AS AMENDED ON 3 MAY 1996 (Amended Protocol II)

Article 1 | Scope of application

1. This Protocol relates to the use on land of the mines, booby-traps and other devices, defined herein, including mines laid to interdict beaches, waterway crossings or river crossings, but does not apply to the use of anti-ship mines at sea or in inland waterways.
2. This Protocol shall apply, in addition to situations referred to in Article I of this Convention, to situations referred to in Article 3 common to the Geneva Conventions of 12 August 1949. This Protocol shall not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence and other acts of a similar nature, as not being armed conflicts.
3. In case of armed conflicts not of an international character occurring in the territory of one of the High Contracting Parties, each party to the conflict shall be bound to apply the prohibitions and restrictions of this Protocol.
4. Nothing in this Protocol shall be invoked for the purpose of affecting the sovereignty of a State or the responsibility of the Government, by all legitimate means, to maintain or reestablish law and order in the State or to defend the national unity and territorial integrity of the State.

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5. Nothing in this Protocol shall be invoked as a justification for intervening, directly or indirectly, for any reason whatever, in the armed conflict or in the internal or external affairs of the High Contracting Party in the territory of which that conflict occurs.
6. The application of the provisions of this Protocol to parties to a conflict, which are not High Contracting Parties that have accepted this Protocol, shall not change their legal status or the legal status of a disputed territory, either explicitly or implicitly.

Article 2 | Definitions

1. "Mine" means a munition placed under, on or near the ground or other surface area and designed to be exploded by the presence, proximity or contact of a person or vehicle.
2. "Remotely-delivered mine" means a mine not directly emplaced but delivered by artillery, missile, rocket, mortar, or similar means, or dropped from an aircraft. Mines delivered from a land-based system from less than 500 metres are not considered to be "remotely delivered", provided that they are used in accordance with Article 5 and other relevant Articles of this Protocol.
3. "Anti-personnel mine" means a mine primarily designed to be exploded by the presence, proximity or contact of a person and that will incapacitate, injure or kill one or more persons.
4. "Booby-trap" means any device or material which is designed, constructed or adapted to kill or injure, and which functions unexpectedly when a person disturbs or approaches an apparently harmless object or performs an apparently safe act.
5. "Other devices" means manually-emplaced munitions and devices including improvised explosive devices designed to kill, injure or damage and which are actuated manually, by remote control or automatically after a lapse of time.
6. "Military objective" means, so far as objects are concerned, any object which by its nature, location, purpose or use makes an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage.
7. "Civilian objects" are all objects which are not military objectives as defined in paragraph 6 of this Article.
8. "Minefield" is a defined area in which mines have been emplaced and "mined area" is an area which is dangerous due to the presence of mines. "Phoney minefield" means an area free of mines that simulates a minefield. The term "minefield" includes phoney minefields.
9. "Recording" means a physical, administrative and technical operation designed to obtain, for the purpose of registration in official records, all available information facilitating the location of minefields, mined areas, mines, booby-traps and other devices.

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10. "Self-destruction mechanism" means an incorporated or externally attached automatically-functioning mechanism which secures the destruction of the munition into which it is incorporated or to which it is attached.
11. "Self-neutralization mechanism" means an incorporated automatically-functioning mechanism which renders inoperable the munition into which it is incorporated.
12. "Self-deactivating" means automatically rendering a munition inoperable by means of the irreversible exhaustion of a component, for example, a battery, that is essential to the operation of the munition.
13. "Remote control" means control by commands from a distance.
14. "Anti-handling device" means a device intended to protect a mine and which is part of, linked to, attached to or placed under the mine and which activates when an attempt is made to tamper with the mine.
15. "Transfer" involves, in addition to the physical movement of mines into or from national territory, the transfer of title to and control over the mines, but does not involve the transfer of territory containing emplaced mines.

Article 3 | General restrictions on the use, of mines, booby-traps and other devices

1. This Article applies to:
 - (a) mines;
 - (b) booby-traps; and
 - (c) other devices.
2. Each High Contracting Party or party to a conflict is, in accordance with the provisions of this Protocol, responsible for all mines, booby-traps, and other devices employed by it and undertakes to clear, remove, destroy or maintain them as specified in Article 10 of this Protocol.
3. It is prohibited in all circumstances to use any mine, booby-trap or other device which is designed or of a nature to cause superfluous injury or unnecessary suffering.
4. Weapons to which this Article applies shall strictly comply with the standards and limitations specified in the Technical Annex with respect to each particular category.
5. It is prohibited to use mines, booby-traps or other devices which employ a mechanism or device specifically designed to detonate the munition by the presence of commonly available mine detectors as a result of their magnetic or other non-contact influence during normal use in detection operations.
6. It is prohibited to use a self-deactivating mine equipped with an anti-handling device that is designed in such a manner that the anti-handling device is capable of functioning after the mine has ceased to be capable of functioning.
7. It is prohibited in all circumstances to direct weapons to which this Article applies, either in offence, defence or by way of reprisals, against the civilian population as such or against individual civilians or civilian objects.
8. The indiscriminate use of weapons to which this Article applies is prohibited. Indiscriminate use is any placement of such weapons:

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- (a) which is not on, or directed against, a military objective. In case of doubt as to whether an object which is normally dedicated to civilian purposes, such as a place of worship, a house or other dwelling or a school, is being used to make an effective contribution to military action, it shall be presumed not to be so used; or
 - (b) which employs a method or means of delivery which cannot be directed at a specific military objective; or
 - (c) which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.
9. Several clearly separated and distinct military objectives located in a city, town, village or other area containing a similar concentration of civilians or civilian objects are not to be treated as a single military objective.
10. All feasible precautions shall be taken to protect civilians from the effects of weapons to which this Article applies. Feasible precautions are those precautions which are practicable or practically possible taking into account all circumstances ruling at the time, including humanitarian and military considerations. These circumstances include, but are not limited to:
- (a) the short- and long-term effect of mines upon the local civilian population for the duration of the minefield;
 - (b) possible measures to protect civilians (for example, fencing, signs, warning and monitoring);
 - (c) the availability and feasibility of using alternatives; and
 - (d) the short- and long-term military requirements for a minefield.
11. Effective advance warning shall be given of any emplacement of mines, booby-traps and other devices which may affect the civilian population, unless circumstances do not permit.

Article 4 | Restrictions on the use of anti-personnel mines

It is prohibited to use anti-personnel mines which are not detectable, as specified in paragraph 2 of the Technical Annex.

Article 5 | Restrictions on the use of anti-personnel mines other than remotely-delivered mines

1. This Article applies to anti-personnel mines other than remotely-delivered mines.
2. It is prohibited to use weapons to which this Article applies which are not in compliance with the provisions on self-destruction and self-deactivation in the Technical Annex, unless:
 - (a) such weapons are placed within a perimeter-marked area which is monitored by military personnel and protected by fencing or other means, to ensure the effective exclusion of civilians from the area. The marking must be of a distinct

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and durable character and must at least be visible to a person who is about to enter the perimeter-marked area; and

- (b) such weapons are cleared before the area is abandoned, unless the area is turned over to the forces of another State which accept responsibility for the maintenance of the protections required by this Article and the subsequent clearance of those weapons.
3. A party to a conflict is relieved from further compliance with the provisions of subparagraphs 2 (a) and 2 (b) of this Article only if such compliance is not feasible due to forcible loss of control of the area as a result of enemy military action, including situations where direct enemy military action makes it impossible to comply. If that party regains control of the area, it shall resume compliance with the provisions of sub-paragraphs 2 (a) and 2 (b) of this Article.
 4. If the forces of a party to a conflict gain control of an area in which weapons to which this Article applies have been laid, such forces shall, to the maximum extent feasible, maintain and, if necessary, establish the protections required by this Article until such weapons have been cleared.
 5. All feasible measures shall be taken to prevent the unauthorized removal, defacement, destruction or concealment of any device, system or material used to establish the perimeter of a perimeter-marked area.
 6. Weapons to which this Article applies which propel fragments in a horizontal arc of less than 90 degrees and which are placed on or above the ground may be used without the measures provided for in sub-paragraph 2 (a) of this Article for a maximum period of 72 hours, if:
 - (a) they are located in immediate proximity to the military unit that emplaced them; and
 - (b) the area is monitored by military personnel to ensure the effective exclusion of civilians.

Article 6 | Restrictions on the use of remotely-delivered mines

1. It is prohibited to use remotely-delivered mines unless they are recorded in accordance with sub-paragraph I (b) of the Technical Annex.
2. It is prohibited to use remotely-delivered anti-personnel mines which are not in compliance with the provisions on self-destruction and self-deactivation in the Technical Annex.
3. It is prohibited to use remotely-delivered mines other than anti-personnel mines, unless, to the extent feasible, they are equipped with an effective self-destruction or self-neutralization mechanism and have a back-up self-deactivation feature, which is designed so that the mine will no longer function as a mine when the mine no longer serves the military purpose for which it was placed in position.
4. Effective advance warning shall be given of any delivery or dropping of remotely delivered mines which may affect the civilian population, unless circumstances do not permit.

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Article 7 | Prohibitions on the use of booby-traps and other devices

1. Without prejudice to the rules of international law applicable in armed conflict relating to treachery and perfidy, it is prohibited in all circumstances to use booby-traps and other devices which are in any way attached to or associated with:
 - (a) internationally recognized protective emblems, signs or signals;
 - (b) sick, wounded or dead persons;
 - (c) burial or cremation sites or graves;
 - (d) medical facilities, medical equipment, medical supplies or medical transportation;
 - (e) children's toys or other portable objects or products specially designed for the feeding, health, hygiene, clothing or education of children;
 - (f) food or drink;
 - (g) kitchen utensils or appliances except in military establishments, military locations or military supply depots;
 - (h) objects clearly of a religious nature;
 - (i) historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples; or
 - (j) animals or their carcasses.
2. It is prohibited to use booby-traps or other devices in the form of apparently harmless portable objects which are specifically designed and constructed to contain explosive material.
3. Without prejudice to the provisions of Article 3, it is prohibited to use weapons to which this Article applies in any city, town, village or other area containing a similar concentration of civilians in which combat between ground forces is not taking place or does not appear to be imminent, unless either:
 - (a) they are placed on or in the close vicinity of a military objective; or
 - (b) measures are taken to protect civilians from their effects, for example, the posting of warning sentries, the issuing of warnings or the provision of fences.

Article 8 | Transfers

1. In order to promote the purposes of this Protocol, each High Contracting Party:
 - (a) undertakes not to transfer any mine the use of which is prohibited by this Protocol;
 - (b) undertakes not to transfer any mine to any recipient other than a State or a State agency authorized to receive such transfers;
 - (c) undertakes to exercise restraint in the transfer of any mine the use of which is restricted by this Protocol. In particular, each High Contracting Party undertakes not to transfer any anti-personnel mines to States which are not bound by this Protocol, unless the recipient State agrees to apply this Protocol; and

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- (d) undertakes to ensure that any transfer in accordance with this Article takes place in full compliance, by both the transferring and the recipient State, with the relevant provisions of this Protocol and the applicable norms of international humanitarian law.
2. In the event that a High Contracting Party declares that it will defer compliance with specific provisions on the use of certain mines, as provided for in the Technical Annex, subparagraph I (a) of this Article shall however apply to such mines.
3. All High Contracting Parties, pending the entry into force of this Protocol, will refrain from any actions which would be inconsistent with sub-paragraph I (a) of this Article.

Article 9 | Recording and use of information on minefields, mined areas, mines, booby-traps and other devices

1. All information concerning minefields, mined areas, mines, booby-traps and other devices shall be recorded in accordance with the provisions of the Technical Annex.
2. All such records shall be retained by the parties to a conflict, who shall, without delay after the cessation of active hostilities, take all necessary and appropriate measures, including the use of such information, to protect civilians from the effects of minefields, mined areas, mines, booby-traps and other devices in areas under their control.

At the same time, they shall also make available to the other party or parties to the conflict and to the Secretary-General of the United Nations all such information in their possession concerning minefields, mined areas, mines, booby-traps and other devices laid by them in areas no longer under their control; provided, however, subject to reciprocity, where the forces of a party to a conflict are in the territory of an adverse party, either party may withhold such information from the Secretary-General and the other party, to the extent that security interests require such withholding, until neither party is in the territory of the other.

In the latter case, the information withheld shall be disclosed as soon as those security interests permit. Wherever possible, the parties to the conflict shall seek, by mutual agreement, to provide for the release of such information at the earliest possible time in a manner consistent with the security interests of each party.

3. This Article is without prejudice to the provisions of Articles 10 and 12 of this Protocol.

Article 10 | Removal of minefields, mined areas, mines, booby-traps and other devices and international cooperation

1. Without delay after the cessation of active hostilities, all minefields, mined areas, mines, booby-traps and other devices shall be cleared, removed, destroyed or maintained in accordance with Article 3 and paragraph 2 of Article 5 of this Protocol.
2. High Contracting Parties and parties to a conflict bear such responsibility with respect to minefields, mined areas, mines, booby-traps and other devices in areas under their control.

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3. With respect to minefields, mined areas, mines, booby-traps and other devices laid by a party in areas over which it no longer exercises control, such party shall provide to the party in control of the area pursuant to paragraph 2 of this Article, to the extent permitted by such party, technical and material assistance necessary to fulfil such responsibility.
4. At all times necessary, the parties shall endeavour to reach agreement, both among themselves and, where appropriate, with other States and with international organizations, on the provision of technical and material assistance, including, in appropriate circumstances, the undertaking of joint operations necessary to fulfil such responsibilities.

Article 11 | Technological cooperation and assistance

1. Each High Contracting Party undertakes to facilitate and shall have the right to participate in the fullest possible exchange of equipment, material and scientific and technological information concerning the implementation of this Protocol and means of mine clearance. In particular, High Contracting Parties shall not impose undue restrictions on the provision of mine clearance equipment and related technological information for humanitarian purposes.
2. Each High Contracting Party undertakes to provide information to the database on mine clearance established within the United Nations System, especially information concerning various means and technologies of mine clearance, and lists of experts, expert agencies or national points of contact on mine clearance.
3. Each high Contracting Party in a position to do so shall provide assistance for mine clearance through the United Nations System, other international bodies or on a bilateral basis, or contribute to the United Nations Voluntary Trust Fund for Assistance in Mine Clearance.
4. Requests by High Contracting Parties for assistance, substantiated by relevant information, may be submitted to the United Nations, to other appropriate bodies or to other States. These requests may be submitted to the Secretary-General of the United Nations, who shall transmit them to all High Contracting Parties and to relevant international organizations.
5. In the case of requests to the United Nations, the Secretary-General of the United Nations, within the resources available to the Secretary-General of the United Nations, may take appropriate steps to assess the situation and, in cooperation with the requesting High Contracting Party, determine the appropriate provision of assistance in mine clearance or implementation of the Protocol. The Secretary-General may also report to High Contracting Parties on any such assessment as well as on the type and scope of assistance required.
6. Without prejudice to their constitutional and other legal provisions, the High Contracting Parties undertake to cooperate and transfer technology to facilitate the implementation of the relevant prohibitions and restrictions set out in this Protocol.

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7. Each High Contracting Party has the right to seek and receive technical assistance, where appropriate, from another High Contracting Party on specific relevant technology, other than weapons technology, as necessary and feasible, with a view to reducing any period of deferral for which provision is made in the Technical Annex.

Article 12 | Protection from the effects of minefields, mined areas, mines, booby-traps and other devices

1. Application
 - (a) With the exception of the forces and missions referred to in sub-paragraph 2(a) (i) of this Article, this Article applies only to missions which are performing functions in an area with the consent of the High Contracting Party on whose territory the functions are performed.
 - (b) The application of the provisions of this Article to parties to a conflict which are not High Contracting Parties shall not change their legal status or the legal status of a disputed territory, either explicitly or implicitly.
 - (c) The provisions of this Article are without prejudice to existing international humanitarian law, or other international instruments as applicable, or decisions by the Security Council of the United Nations, which provide for a higher level of protection to personnel functioning in accordance with this Article.
2. Peace-keeping and certain other forces and missions
 - (a) This paragraph applies to:
 - (i) any United Nations force or mission performing peace-keeping, observation or similar functions in any area in accordance with the Charter of the United Nations;
 - (ii) any mission established pursuant to Chapter VIII of the Charter of the United Nations and performing its functions in the area of a conflict.
 - (b) Each High Contracting Party or party to a conflict, if so requested by the head of a force or mission to which this paragraph applies, shall:
 - (i) so far as it is able, take such measures as are necessary to protect the force or mission from the effects of mines, booby-traps and other devices in any area under its control;
 - (ii) if necessary in order effectively to protect such personnel, remove or render harmless, so far as it is able, all mines, booby-traps and other devices in that area; and
 - (iii) inform the head of the force or mission of the location of all known minefields, mined areas, mines, booby-traps and other devices in the area in which the force or mission is performing its functions and, so far as is feasible, make available to the head of the force or mission all information in its possession concerning such minefields, mined areas, mines, booby-traps and other devices.

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3. Humanitarian and fact-finding missions of the United Nations System
 - (a) This paragraph applies to any humanitarian or fact-finding mission of the United Nations System.
 - (b) Each High Contracting Party or party to a conflict, if so requested by the head of a mission to which this paragraph applies, shall:
 - (i) provide the personnel of the mission with the protections set out in sub-paragraph 2(b) (i) of this Article; and
 - (ii) if access to or through any place under its control is necessary for the performance of the mission's functions and in order to provide the personnel of the mission with safe passage to or through that place:
 - (aa) unless on-going hostilities prevent, inform the head of the mission of a safe route to that place if such information is available; or
 - (bb) if information identifying a safe route is not provided in accordance with sub-paragraph (aa), so far as is necessary and feasible, clear a lane through minefields.
4. Missions of the International Committee of the Red Cross
 - (a) This paragraph applies to any mission of the International Committee of the Red Cross performing functions with the consent of the host State or States as provided for by the Geneva Conventions of 12 August 1949 and, where applicable, their Additional Protocols.
 - (b) Each High Contracting Party or party to a conflict, if so requested by the head of a mission to which this paragraph applies, shall:
 - (i) provide the personnel of the mission with the protections set out in sub-paragraph 2(b) (i) of this Article; and
 - (ii) take the measures set out in sub-paragraph 3(b) (ii) of this Article.
5. Other humanitarian missions and missions of enquiry
 - (a) Insofar as paragraphs 2, 3 and 4 above do not apply to them, this paragraph applies to the following missions when they are performing functions in the area of a conflict or to assist the victims of a conflict:
 - (i) any humanitarian mission of a national Red Cross or Red Crescent Society or of their International Federation;
 - (ii) any mission of an impartial humanitarian organization, including any impartial humanitarian demining mission; and
 - (iii) any mission of enquiry established pursuant to the provisions of the Geneva Conventions of 12 August 1949 and, where applicable, their Additional Protocols.
 - (b) Each High Contracting Party or party to a conflict, if so requested by the head of a mission to which this paragraph applies, shall, so far as is feasible:
 - (i) provide the personnel of the mission with the protections set out in sub-paragraph 2(b) (i) of this Article; and
 - (ii) take the measures set out in sub-paragraph 3(b) (ii) of this Article.

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6. Confidentiality

All information provided in confidence pursuant to this Article shall be treated by the recipient in strict confidence and shall not be released outside the force or mission concerned without the express authorization of the provider of the information.

7. Respect for laws and regulations

Without prejudice to such privileges and immunities as they may enjoy or to the requirements of their duties, personnel participating in the forces and missions referred to in this Article shall:

(a) respect the laws and regulations of the host State; and

(b) refrain from any action or activity incompatible with the impartial and international nature of their duties.

Article 13 | Consultations of high Contracting Parties

1. The High Contracting Parties undertake to consult and cooperate with each other on all issues related to the operation of this Protocol. For this purpose, a conference of High Contracting Parties shall be held annually.

2. Participation in the annual conferences shall be determined by their agreed Rules of Procedure.

3. The work of the conference shall include:

(a) review of the operation and status of this Protocol;

(b) consideration of matters arising from reports by High Contracting Parties according to paragraph 4 of this Article;

(c) preparation for review conferences; and

(d) consideration of the development of technologies to protect civilians against indiscriminate effects of mines.

4. The High Contracting Parties shall provide annual reports to the Depositary, who shall circulate them to all High Contracting Parties in advance of the Conference, on any of the following matters:

(a) dissemination of information on this Protocol to their armed forces and to the civilian population;

(b) mine clearance and rehabilitation programmes;

(c) steps taken to meet technical requirements of this Protocol and any other relevant information pertaining thereto;

(d) legislation related to this Protocol;

(e) measures taken on international technical information exchange, on international cooperation on mine clearance, and on technical cooperation and assistance; and

(f) other relevant matters.

5. The cost of the Conference of High Contracting Parties shall be borne by the High Contracting Parties and States not parties participating in the work of the Conference, in accordance with the United Nations scale of assessment adjusted appropriately.

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Article 14 | Compliance

1. Each High Contracting Party shall take all appropriate steps, including legislative and other measures, to prevent and suppress violations of this Protocol by persons or on territory under its jurisdiction or control.
2. The measures envisaged in paragraph I of this Article include appropriate measures to ensure the imposition of penal sanctions against persons who, in relation to an armed conflict and contrary to the provisions of this Protocol, wilfully kill or cause serious injury to civilians and to bring such persons to justice.
3. Each High Contracting Party shall also require that its armed forces issue relevant military instructions and operating procedures and that armed forces personnel receive training commensurate with their duties and responsibilities to comply with the provisions of this Protocol.
4. The High Contracting Parties undertake to consult each other and to cooperate with each other bilaterally, through the Secretary-General of the United Nations or through other appropriate international procedures, to resolve any problems that may arise with regard to the interpretation and application of the provisions of this Protocol.

Technical Annex

1. Recording

- (a) Recording of the location of mines other than remotely-delivered mines, minefields, mined areas, booby-traps and other devices shall be carried out in accordance with the following provisions:
 - (i) the location of the minefields, mined areas and areas of booby-traps and other devices shall be specified accurately by relation to the coordinates of at least two reference points and the estimated dimensions of the area containing these weapons in relation to those reference points;
 - (ii) maps, diagrams or other records shall be made in such a way as to indicate the location of minefields, mined areas, booby-traps and other devices in relation to reference points, and these records shall also indicate their perimeters and extent;
 - (iii) for purposes of detection and clearance of mines, booby-traps and other devices, maps, diagrams or other records shall contain complete information on the type, number, emplacing method, type of fuse and life time, date and time of laying, antihandling devices (if any) and other relevant information on all these weapons laid.

Whenever feasible the minefield record shall show the exact location of every mine, except in row minefields where the row location is sufficient.

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The precise location and operating mechanism of each booby-trap laid shall be individually recorded.

- (b) The estimated location and area of remotely-delivered mines shall be specified by coordinates of reference points (normally corner points) and shall be ascertained and when feasible marked on the ground at the earliest opportunity. The total number and types of mines laid, the date and time of laying and the self-destruction time periods shall also be recorded.
- (c) Copies of records shall be held at a level of command sufficient to guarantee their safety as far as possible.
- (d) The use of mines produced after the entry into force of this Protocol is prohibited unless they are marked in English or in the respective national language or languages with the following information:
 - (i) name of the country of origin;
 - (ii) month and year of production; and
 - (iii) serial number or lot number.

The marking should be visible, legible, durable and resistant to environmental effects, as far as possible.

2. Specifications on detectability

- (a) With respect to anti-personnel mines produced after 1 January 1997, such mines shall incorporate in their construction a material or device that enables the mine to be detected by commonly-available technical mine detection equipment and provides a response signal equivalent to a signal from 8 grammes or more of iron in a single coherent mass.
- (b) With respect to anti-personnel mines produced before 1 January 1997, such mines shall either incorporate in their construction, or have attached prior to their emplacement, in a manner not easily removable, a material or device that enables the mine to be detected by commonly-available technical mine detection equipment and provides a response signal equivalent to a signal from 8 grammes or more of iron in a single coherent mass.
- (c) In the event that a High Contracting Party determines that it cannot immediately comply with sub-paragraph (b), it may declare at the time of its notification of consent to be bound by this Protocol that it will defer compliance with sub-paragraph (b) for a period not to exceed 9 years from the entry into force of this Protocol. In the meantime it shall, to the extent feasible, minimize the use of anti-personnel mines that do not so comply.

AMENDED PROTOCOL II

3. Specifications on self-destruction and self-deactivation

- (a) All remotely-delivered anti-personnel mines shall be designed and constructed so that no more than 10% of activated mines will fail to self-destruct within 30 days after emplacement, and each mine shall have a back-up self-deactivation feature designed and constructed so that, in combination with the self-destruction mechanism, no more than one in one thousand activated mines will function as a mine 120 days after emplacement.
- (b) All non-remotely delivered anti-personnel mines, used outside marked areas, as defined in Article 5 of this Protocol, shall comply with the requirements for self-destruction and selfdeactivation stated in sub-paragraph (a).
- (c) In the event that a High Contracting Party determines that it cannot immediately comply with sub-paragraphs (a) and/or (b), it may declare at the time of its notification of consent to be bound by this Protocol, that it will, with respect to mines produced prior to the entry into force of this Protocol defer compliance with sub-paragraphs (a) and/or (b) for a period not to exceed 9 years from the entry into force of this Protocol.

During this period of deferral, the High Contracting Party shall:

- (i) undertake to minimize, to the extent feasible, the use of anti-personnel mines that do not so comply; and
- (ii) with respect to remotely-delivered anti-personnel mines, comply with either the requirements for self-destruction or the requirements for self-deactivation and, with respect to other anti-personnel mines comply with at least the requirements for selfdeactivation.

4. International signs for minefields and mined areas

Signs similar to the example attached and as specified below shall be utilized in the marking of minefields and mined areas to ensure their visibility and recognition by the civilian population:

- (a) size and shape: a triangle or square no smaller than 28 centimetres (11 inches) by 20 centimetres (7.9 inches) for a triangle, and 15 centimetres (6 inches) per side for a square;
- (b) colour: red or orange with a yellow reflecting border;
- (c) symbol: the symbol illustrated in the Attachment, or an alternative readily recognizable in the area in which the sign is to be displayed as identifying a dangerous area;

PROTOCOL V

- (d) language: the sign should contain the word “mines” in one of the six official languages of the Convention (Arabic, Chinese, English, French, Russian and Spanish) and the language or languages prevalent in that area;
- (e) spacing: signs should be placed around the minefield or mined area at a distance sufficient to ensure their visibility at any point by a civilian approaching the area.

PROTOCOL ON EXPLOSIVE REMNANTS OF WAR OF 28 NOVEMBER 2003 (Protocol V)

The High Contracting Parties,

Recognising the serious post-conflict humanitarian problems caused by explosive remnants of war,

Conscious of the need to conclude a Protocol on post-conflict remedial measures of a generic nature in order to minimise the risks and effects of explosive remnants of war,

And willing to address generic preventive measures, through voluntary best practices specified in a Technical Annex for improving the reliability of munitions, and therefore minimising the occurrence of explosive remnants of war,

Have agreed as follows:

Article 1 | General provision and scope of application

1. In conformity with the Charter of the United Nations and of the rules of the international law of armed conflict applicable to them, High Contracting Parties agree to comply with the obligations specified in this Protocol, both individually and in cooperation with other High Contracting Parties, to minimize the risks and effects of explosive remnants of war in post-conflict situations.
2. This Protocol shall apply to explosive remnants of war on the land territory including internal waters of High Contracting Parties.
3. This Protocol shall apply to situations resulting from conflicts referred to in Article 1, paragraphs 1 to 6, of the Convention, as amended on 21 December 2001.
4. Articles 3, 4, 5 and 8 of this Protocol apply to explosive remnants of war other than existing explosive remnants of war as defined in Article 2, paragraph 5 of this Protocol.

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Article 2 | Definitions

For the purpose of this Protocol,

1. Explosive ordnance means conventional munitions containing explosives, with the exception of mines, booby traps and other devices as defined in Protocol II of this Convention as amended on 3 May 1996.
2. Unexploded ordnance means explosive ordnance that has been primed, fused, armed, or otherwise prepared for use and used in an armed conflict. It may have been fired, dropped, launched or projected and should have exploded but failed to do so.
3. Abandoned explosive ordnance means explosive ordnance that has not been used during an armed conflict, that has been left behind or dumped by a party to an armed conflict, and which is no longer under control of the party that left it behind or dumped it. Abandoned explosive ordnance may or may not have been primed, fused, armed or otherwise prepared for use.
4. Explosive remnants of war means unexploded ordnance and abandoned explosive ordnance.
5. Existing explosive remnants of war means unexploded ordnance and abandoned explosive ordnance that existed prior to the entry into force of this Protocol for the High Contracting Party on whose territory it exists.

Article 3 | Clearance, removal or destruction of explosive remnants of war

1. Each High Contracting Party and party to an armed conflict shall bear the responsibilities set out in this Article with respect to all explosive remnants of war in territory under its control. In cases where a user of explosive ordnance which has become explosive remnants of war, does not exercise control of the territory, the user shall, after the cessation of active hostilities, provide where feasible, inter alia technical, financial, material or human resources assistance, bilaterally or through a mutually agreed third party, including inter alia through the United Nations system or other relevant organizations, to facilitate the marking and clearance, removal or destruction of such explosive remnants of war.
2. After the cessation of active hostilities and as soon as feasible, each High Contracting Party and party to an armed conflict shall mark and clear, remove or destroy explosive remnants of war in affected territories under its control. Areas affected by explosive remnants of war which are assessed pursuant to paragraph 3 of this Article as posing a serious humanitarian risk shall be accorded priority status for clearance, removal or destruction.
3. After the cessation of active hostilities and as soon as feasible, each High Contracting Party and party to an armed conflict shall take the following measures in affected territories under its control, to reduce the risks posed by explosive remnants of war:
 - (a) survey and assess the threat posed by explosive remnants of war;
 - (b) assess and prioritize needs and practicability in terms of marking and clearance, removal or destruction;
 - (c) mark and clear, remove or destroy explosive remnants of war;

PROTOCOL V

(d) take steps to mobilize resources to carry out these activities.

4. In conducting the above activities High Contracting Parties and parties to an armed conflict shall take into account international standards, including the International Mine Action Standards.
5. High Contracting Parties shall co-operate, where appropriate, both among themselves and with other states, relevant regional and international organizations and non-governmental organizations on the provision of inter alia technical, financial, material and human resources assistance including, in appropriate circumstances, the undertaking of joint operations necessary to fulfil the provisions of this Article.

Article 4 | Recording, retaining and transmission of information

1. High Contracting Parties and parties to an armed conflict shall to the maximum extent possible and as far as practicable record and retain information on the use of explosive ordnance or abandonment of explosive ordnance, to facilitate the rapid marking and clearance, removal or destruction of explosive remnants of war, risk education and the provision of relevant information to the party in control of the territory and to civilian populations in that territory.
2. High Contracting Parties and parties to an armed conflict which have used or abandoned explosive ordnance which may have become explosive remnants of war shall, without delay after the cessation of active hostilities and as far as practicable, subject to these parties' legitimate security interests, make available such information to the party or parties in control of the affected area, bilaterally or through a mutually agreed third party including inter alia the United Nations or, upon request, to other relevant organizations which the party providing the information is satisfied are or will be undertaking risk education and the marking and clearance, removal or destruction of explosive remnants of war in the affected area.
3. In recording, retaining and transmitting such information, the High Contracting Parties should have regard to Part 1 of the Technical Annex.

Article 5 | Other precautions for the protection of the civilian population, individual civilians and civilian objects from the risks and effects of explosive remnants of war

1. High Contracting Parties and parties to an armed conflict shall take all feasible precautions in the territory under their control affected by explosive remnants of war to protect the civilian population, individual civilians and civilian objects from the risks and effects of explosive remnants of war. Feasible precautions are those precautions which are practicable or practicably possible, taking into account all circumstances ruling at the time, including humanitarian and military considerations.

PROTOCOL V

These precautions may include warnings, risk education to the civilian population, marking, fencing and monitoring of territory affected by explosive remnants of war, as set out in Part 2 of the Technical Annex.

Article 6 | Provisions for the protection of humanitarian missions and organizations from the effects of explosive remnants of war

1. Each High Contracting Party and party to an armed conflict shall:
 - (a) Protect, as far as feasible, from the effects of explosive remnants of war, humanitarian missions and organizations that are or will be operating in the area under the control of the High Contracting Party or party to an armed conflict and with that party's consent.
 - (b) Upon request by such a humanitarian mission or organization, provide, as far as feasible, information on the location of all explosive remnants of war that it is aware of in territory where the requesting humanitarian mission or organization will operate or is operating.
2. The provisions of this Article are without prejudice to existing International Humanitarian Law or other international instruments as applicable or decisions by the Security Council of the United Nations which provide for a higher level of protection.

Article 7 | Assistance with respect to existing explosive remnants of war

1. Each High Contracting Party has the right to seek and receive assistance, where appropriate, from other High Contracting Parties, from states non-party and relevant international organizations and institutions in dealing with the problems posed by existing explosive remnants of war.
2. Each High Contracting Party in a position to do so shall provide assistance in dealing with the problems posed by existing explosive remnants of war, as necessary and feasible. In so doing, High Contracting Parties shall also take into account the humanitarian objectives of this Protocol, as well as international standards including the International Mine Action Standards.

Article 8 | Co-operation and assistance

1. Each High Contracting Party in a position to do so shall provide assistance for the marking and clearance, removal or destruction of explosive remnants of war, and for risk education to civilian populations and related activities inter alia through the United Nations system, other relevant international, regional or national organizations or institutions, the International Committee of the Red Cross, national Red Cross and Red Crescent societies and their International Federation, non-governmental organizations, or on a bilateral basis.
2. Each High Contracting Party in a position to do so shall provide assistance for the care and rehabilitation and social and economic reintegration of victims of

PROTOCOL V

explosive remnants of war. Such assistance may be provided inter alia through the United Nations system, relevant international, regional or national organizations or institutions, the International Committee of the Red Cross, national Red Cross and Red Crescent societies and their International Federation, non-governmental organizations, or on a bilateral basis.

3. Each High Contracting Party in a position to do so shall contribute to trust funds within the United Nations system, as well as other relevant trust funds, to facilitate the provision of assistance under this Protocol.
4. Each High Contracting Party shall have the right to participate in the fullest possible exchange of equipment, material and scientific and technological information other than weapons related technology, necessary for the implementation of this Protocol. High Contracting Parties undertake to facilitate such exchanges in accordance with national legislation and shall not impose undue restrictions on the provision of clearance equipment and related technological information for humanitarian purposes.
5. Each High Contracting Party undertakes to provide information to the relevant databases on mine action established within the United Nations system, especially information concerning various means and technologies of clearance of explosive remnants of war, lists of experts, expert agencies or national points of contact on clearance of explosive remnants of war and, on a voluntary basis, technical information on relevant types of explosive ordnance.
6. High Contracting Parties may submit requests for assistance substantiated by relevant information to the United Nations, to other appropriate bodies or to other states. These requests may be submitted to the Secretary-General of the United Nations, who shall transmit them to all High Contracting Parties and to relevant international organizations and non-governmental organizations.
7. In the case of requests to the United Nations, the Secretary-General of the United Nations, within the resources available to the Secretary-General of the United Nations, may take appropriate steps to assess the situation and in co-operation with the requesting High Contracting Party and other High Contracting Parties with responsibility as set out in Article 3 above, recommend the appropriate provision of assistance. The Secretary-General may also report to High Contracting Parties on any such assessment as well as on the type and scope of assistance required, including possible contributions from the trust funds established within the United Nations system.

Article 9 | Generic preventive measures

1. Bearing in mind the different situations and capacities, each High Contracting Party is encouraged to take generic preventive measures aimed at minimizing the occurrence of explosive remnants of war, including, but not limited to, those referred to in part 3 of the Technical Annex.
2. Each High Contracting Party may, on a voluntary basis, exchange information related to efforts to promote and establish best practices in respect of paragraph 1 of this Article.

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Article 10 | Consultations of High Contracting Parties

1. The High Contracting Parties undertake to consult and co-operate with each other on all issues related to the operation of this Protocol. For this purpose, a Conference of High Contracting Parties shall be held as agreed to by a majority, but no less than eighteen High Contracting Parties.
2. The work of the conferences of High Contracting Parties shall include:
 - (a) review of the status and operation of this Protocol;
 - (b) consideration of matters pertaining to national implementation of this Protocol, including national reporting or updating on an annual basis;
 - (c) preparation for review conferences.
3. The costs of the Conference of High Contracting Parties shall be borne by the High Contracting Parties and States not parties participating in the Conference, in accordance with the United Nations scale of assessment adjusted appropriately.

Article 11 | Compliance

1. Each High Contracting Party shall require that its armed forces and relevant agencies or departments issue appropriate instructions and operating procedures and that its personnel receive training consistent with the relevant provisions of this Protocol.
2. The High Contracting Parties undertake to consult each other and to co-operate with each other bilaterally, through the Secretary-General of the United Nations or through other appropriate international procedures, to resolve any problems that may arise with regard to the interpretation and application of the provisions of this Protocol.

Technical Annex

This Technical Annex contains suggested best practice for achieving the objectives contained in Articles 4, 5 and 9 of this Protocol. This Technical Annex will be implemented by High Contracting Parties on a voluntary basis.

1. Recording, storage and release of information for Unexploded Ordnance (UXO) and Abandoned Explosive Ordnance (AXO)

- (a) Recording of information: Regarding explosive ordnance which may have become UXO a State should endeavour to record the following information as accurately as possible:
 - (i) the location of areas targeted using explosive ordnance;
 - (ii) the approximate number of explosive ordnance used in the areas under (i);

- (iii) the type and nature of explosive ordnance used in areas under (i);
- (iv) the general location of known and probable UXO.

Where a State has been obliged to abandon explosive ordnance in the course of operations, it should endeavour to leave AXO in a safe and secure manner and record information on this ordnance as follows:

- (v) the location of AXO;
 - (vi) the approximate amount of AXO at each specific site;
 - (vii) the types of AXO at each specific site.
- (b) Storage of information: Where a State has recorded information in accordance with paragraph (a), it should be stored in such a manner as to allow for its retrieval and subsequent release in accordance with paragraph (c).
- (c) Release of information: Information recorded and stored by a State in accordance with paragraphs (a) and (b) should, taking into account the security interests and other obligations of the State providing the information, be released in accordance with the following provisions:
- (i) Content:
 - On UXO the released information should contain details on:
 - (1) the general location of known and probable UXO;
 - (2) the types and approximate number of explosive ordnance used in the targeted areas;
 - (3) the method of identifying the explosive ordnance including colour, size and shape and other relevant markings;
 - (4) the method for safe disposal of the explosive ordnance.
 - On AXO the released information should contain details on:
 - (5) the location of the AXO;
 - (6) the approximate number of AXO at each specific site;
 - (7) the types of AXO at each specific site;
 - (8) the method of identifying the AXO, including colour, size and shape;
 - (9) information on type and methods of packing for AXO;
 - (10) state of readiness;
 - (11) the location and nature of any booby traps known to be present in the area of AXO.

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- ii) Recipient: The information should be released to the party or parties in control of the affected territory and to those persons or institutions that the releasing State is satisfied are, or will be, involved in UXO or AXO clearance in the affected area, in the education of the civilian population on the risks of UXO or AXO.
- iii) Mechanism: A State should, where feasible, make use of those mechanisms established internationally or locally for the release of information, such as through UNMAS, IMSMA, and other expert agencies, as considered appropriate by the releasing State.
- iv) Timing: The information should be released as soon as possible, taking into account such matters as any ongoing military and humanitarian operations in the affected areas, the availability and reliability of information and relevant security issues.

2. Warnings, risk education, marking, fencing and monitoring**Key terms**

- (a) Warnings are the punctual provision of cautionary information to the civilian population, intended to minimise risks caused by explosive remnants of war in affected territories.
- (b) Risk education to the civilian population should consist of risk education programmes to facilitate information exchange between affected communities, government authorities and humanitarian organisations so that affected communities are informed about the threat from explosive remnants of war. Risk education programmes are usually a long term activity.

Best practice elements of warnings and risk education

- (c) All programmes of warnings and risk education should, where possible, take into account prevailing national and international standards, including the International Mine Action Standards.
- (d) Warnings and risk education should be provided to the affected civilian population which comprises civilians living in or around areas containing explosive remnants of war and civilians who transit such areas.
- (e) Warnings should be given, as soon as possible, depending on the context and the information available. A risk education programme should replace a warnings programme as soon as possible. Warnings and risk education always should be provided to the affected communities at the earliest possible time.
- (f) Parties to a conflict should employ third parties such as international organisations and non-governmental organisations when they do not have the resources and skills to deliver efficient risk education.

- (g) Parties to a conflict should, if possible, provide additional resources for warnings and risk education. Such items might include: provision of logistical support, production of risk education materials, financial support and general cartographic information.

Marking, fencing, and monitoring of an explosive remnants of war affected area

- (h) When possible, at any time during the course of a conflict and thereafter, where explosive remnants of war exist the parties to a conflict should, at the earliest possible time and to the maximum extent possible, ensure that areas containing explosive remnants of war are marked, fenced and monitored so as to ensure the effective exclusion of civilians, in accordance with the following provisions.
- (i) Warning signs based on methods of marking recognised by the affected community should be utilised in the marking of suspected hazardous areas. Signs and other hazardous area boundary markers should as far as possible be visible, legible, durable and resistant to environmental effects and should clearly identify which side of the marked boundary is considered to be within the explosive remnants of war affected area and which side is considered to be safe.
- (j) An appropriate structure should be put in place with responsibility for the monitoring and maintenance of permanent and temporary marking systems, integrated with national and local risk education programmes.

3. Generic preventive measures

States producing or procuring explosive ordnance should to the extent possible and as appropriate endeavour to ensure that the following measures are implemented and respected during the life-cycle of explosive ordnance.

- (a) Munitions manufacturing management
 - (i) Production processes should be designed to achieve the greatest reliability of munitions.
 - (ii) Production processes should be subject to certified quality control measures.
 - (iii) During the production of explosive ordnance, certified quality assurance standards that are internationally recognised should be applied.
 - (iv) Acceptance testing should be conducted through live-fire testing over a range of conditions or through other validated procedures.
 - (v) High reliability standards should be required in the course of explosive ordnance transactions and transfers.

(b) Munitions management

In order to ensure the best possible long-term reliability of explosive ordnance, States are encouraged to apply best practice norms and operating procedures with respect to its storage, transport, field storage, and handling in accordance with the following guidance.

- (i) Explosive ordnance, where necessary, should be stored in secure facilities or appropriate containers that protect the explosive ordnance and its components in a controlled atmosphere, if necessary.
- (ii) A State should transport explosive ordnance to and from production facilities, storage facilities and the field in a manner that minimises damage to the explosive ordnance.
- (iii) Appropriate containers and controlled environments, where necessary, should be used by a State when stockpiling and transporting explosive ordnance.
- (iv) The risk of explosions in stockpiles should be minimised by the use of appropriate stockpile arrangements.
- (v) States should apply appropriate explosive ordnance logging, tracking and testing procedures, which should include information on the date of manufacture of each number, lot or batch of explosive ordnance, and information on where the explosive ordnance has been, under what conditions it has been stored, and to what environmental factors it has been exposed.
- (vi) Periodically, stockpiled explosive ordnance should undergo, where appropriate, live-firing testing to ensure that munitions function as desired.
- (vii) Sub-assemblies of stockpiled explosive ordnance should, where appropriate, undergo laboratory testing to ensure that munitions function as desired.
- (viii) Where necessary, appropriate action, including adjustment to the expected shelf-life of ordnance, should be taken as a result of information acquired by logging, tracking and testing procedures, in order to maintain the reliability of stockpiled explosive ordnance.

(c) Training

The proper training of all personnel involved in the handling, transporting and use of explosive ordnance is an important factor in seeking to ensure its reliable operation as intended. States should therefore adopt and maintain suitable training programmes to ensure that personnel are properly trained with regard to the munitions with which they will be required to deal.

(d) Transfer

A State planning to transfer explosive ordnance to another State that did not previously possess that type of explosive ordnance should endeavour to ensure that the receiving State has the capability to store, maintain and use that explosive ordnance correctly.

(e) Future production

A State should examine ways and means of improving the reliability of explosive ordnance that it intends to produce or procure, with a view to achieving the highest possible reliability.

APPENDIX 7

STATES PARTIES TO THE CCW, PROTOCOL II AND AMENDED PROTOCOL II, PROTOCOL V

States Parties to the Convention on Certain Conventional Weapons *

A	H	P
Albania	Holy See	Pakistan
Argentina	Honduras	Panama
Australia	Hungary	Paraguay
Austria		Peru
B	I	Philippines
Bangladesh	Iceland	Poland
Belarus	India	Portugal
Belgium	Ireland	
Benin	Israel	Q
Bolivia	Italy	Qatar
Bosnia and Herzegovina	J	R
Brazil	Jamaica	Romania
Bulgaria	Japan	Russian Federation
Burkina Faso	Jordan	S
C	K	Saudi Arabia
Cambodia	Kazakhstan	Senegal
Cameroon	Republic of Korea	Serbia
Canada	L	Seychelles
Cape Verde	Lao People's	Sierra Leone
Chile	Democratic Republic	Slovakia
China	Latvia	Slovenia
Colombia	Lesotho	South Africa
Costa Rica	Liberia	Spain
Croatia	Liechtenstein	Sri Lanka
Cuba	Lithuania	Sweden
Cyprus	Luxembourg	Switzerland
Czech Republic	M	T
D	The former Yugoslav	Tajikistan
Denmark	Republic of Macedonia	Togo
Djibouti	Madagascar	Tunisia
E	Maldives	Turkey
Ecuador	Mali	Turkmenistan
El Salvador	Malta	U
Estonia	Mauritius	Uganda
F	Mexico	Ukraine
Finland	Moldova	United Arab Emirates
France	Monaco	United Kingdom
G	Mongolia	United States
Gabon	Montenegro	Uruguay
Georgia	Morocco	Uzbekistan
Germany	N	V
Greece	Nauru	Venezuela
Guatemala	The Netherlands	
Guinea-Bissau	New Zealand	
	Nicaragua	
	Niger	
	Norway	

* 111 States were party to the Convention as of 13 April 2010

APPENDIX 7

STATES PARTIES TO THE CCW, PROTOCOL II AND AMENDED PROTOCOL II, PROTOCOL V

States Parties to 1980 Protocol II *

A

Albania
Argentina
Australia
Austria

B

Bangladesh
Belarus
Belgium
Bolivia
Bosnia and Herzegovina
Brazil
Bulgaria
Burkina Faso

C

Cambodia
Cameroon
Canada
Cape Verde
China
Colombia
Costa Rica
Croatia
Cuba
Cyprus
Czech Republic

D

Denmark
Djibouti

E

Ecuador
El Salvador

F

Finland
France

G

Georgia
Germany
Greece
Guatemala
Guinea-Bissau

H

Holy See
Honduras
Hungary

I

Iceland
India
Ireland
Israel
Italy

J

Japan

L

Lao People's
Democratic Republic
Latvia
Lesotho
Liberia
Liechtenstein
Luxembourg

M

The former Yugoslav
Republic of Macedonia
Madagascar
Mali
Malta
Mauritius
Mexico
Moldova
Mongolia
Montenegro
Morocco

N

Nauru
Netherlands
New Zealand
Niger
Norway

P

Pakistan
Panama
Paraguay
Philippines
Poland
Portugal

Q

Qatar

R

Romania
Russian Federation

S

Serbia
Seychelles
Sierra Leone
Slovakia
Slovenia
South Africa
Spain
Sri Lanka
Sweden
Switzerland

T

Tajikistan
Togo
Tunisia
Turkmenistan

U

Uganda
Ukraine
United Kingdom
United States
Uruguay
Uzbekistan

V

Venezuela

* 93 States were party
to the Convention
as of 13 April 2010

APPENDIX 7

STATES PARTIES TO THE CCW, PROTOCOL II AND AMENDED PROTOCOL II, PROTOCOL V

States Parties to 1996 Amended Protocol II *

A	H	P
Albania	Holy See	Pakistan
Argentina	Honduras	Panama
Australia	Hungary	Paraguay
Austria		Peru
	I	Philippines
B	Iceland	Poland
Bangladesh	India	Portugal
Belarus	Ireland	
Belgium	Israel	
Bolivia	Italy	Q
Bosnia and Herzegovina		Qatar
Brazil	J	
Bulgaria	Jamaica	R
Burkina Faso	Japan	Romania
	Jordan	Russian Federation
C		
Cambodia	K	S
Cameroon	Republic of Korea	Senegal
Canada		Seychelles
Cape Verde	L	Sierra Leone
Chile	Latvia	Slovakia
China	Liberia	Slovenia
Colombia	Liechtenstein	South Africa
Costa Rica	Lithuania	Spain
Croatia	Luxembourg	Sri Lanka
Cyprus		Sweden
Czech Republic	M	Switzerland
	The former Yugoslav	
D	Republic of Macedonia	T
Denmark	Madagascar	Tajikistan
	Maldives	Tunisia
E	Mali	Turkey
Ecuador	Malta	Turkmenistan
El Salvador	Moldova	
Estonia	Monaco	
	Morocco	U
F		Ukraine
Finland	N	United Kingdom
France	Nauru	United States
	The Netherlands	Uruguay
G	New Zealand	Uzbekistan
Georgia	Nicaragua	
Germany	Niger	
Greece	Norway	
Guatemala		V
Guinea-Bissau		Venezuela

* 93 States were party to the Convention as of 13 April 2010

APPENDIX 7

STATES PARTIES TO THE CCW, PROTOCOL II AND AMENDED PROTOCOL II, PROTOCOL V

States Parties to 2003 Protocol V *

A

Albania
Australia
Austria

B

Belarus
Belgium
Bosnia and Herzegovina
Bulgaria

C

Canada
Chile
Costa Rica
Croatia
Cyprus
Czech Republic

D

Denmark

E

Ecuador
El Salvador
Estonia

F

Finland
France

G

Georgia
Germany
Guatemala
Guinea-Bissau

H

Holy See
Hungary

I

Iceland
India
Ireland
Italy

J

Jamaica

K

Korea, Republic of

L

Latvia
Liberia
Liechtenstein
Lithuania
Luxembourg

M

The former Yugoslav
Republic of Macedonia
Madagascar
Mali
Malta
Moldova, Republic of

N

Netherlands
New Zealand
Nicaragua
Norway

P

Pakistan
Paraguay
Peru
Portugal

Q

Qatar

R

Romania
Russian Federation

S

Senegal
Sierra Leone
Slovakia
Slovenia
Spain
Sweden
Switzerland

T

Tajikistan
Tunisia

U

Ukraine
United Arab Emirates
United States of America
Uruguay

* 65 States were party
to the Convention
as of 13 April 2010

SELECTED DEFINITIONS FROM THE IMAS GLOSSARY

abandoned cluster munitions

cluster munitions or explosive submunitions that have not been used and that have been left behind or dumped, and that are no longer under the control of the party that left them behind or dumped them. They may or may not have been prepared for use. (CCM)

Abandoned Explosive Ordnance (AXO)

explosive ordnance that has not been used during an armed conflict, that has been left behind or dumped by a party to an armed conflict, and which is no longer under control of the party that left it behind or dumped it. Abandoned explosive ordnance may or may not have been primed, fuzed, armed or otherwise prepared for use. (CCW protocol V)

accreditation

the procedure by which a mine action organisation is formally recognised as competent and able to plan, manage and operationally conduct mine action activities safely, effectively and efficiently.

Note: For most mine action programmes, the NMAA will be the body which provides accreditation. International organisations such as the United Nations or regional bodies may also introduce accreditation schemes.

Note: ISO 9000 usage is that an 'Accreditation' body accredits the 'Certification or Registration' bodies that award ISO 9000 certificates to organisations. The usage in IMAS is completely different to this, and is based on the main definition above, which is well understood in the mine action community.

accreditation body

an organisation, normally an element of the NMAA, responsible for the management and implementation of the national accreditation system.

advocacy

in the context of mine action, the term refers to.... public support, recommendation or positive publicity with the aim of removing, or at least reducing, the risk from, and the impact of, mines and ERW.

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Amended Protocol II (APII) / Amended Protocol II (APII) to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which May be Deemed to be Excessively Injurious or to have Indiscriminate Effects (CCW)

Note: It prohibits the use of all undetectable anti-personnel mines and regulates the use of wider categories of mines, booby-traps and other devices. For the purposes of the IMAS, Article 5 lays down requirements for the marking and monitoring of mined areas. Article 9 provides for the recording and use of information on minefields and mined areas. The Technical Annex provides guidelines on, inter alia, the recording of information and international signs for minefields and mined areas.

anti-handling device

a device intended to protect a mine and which is part of, linked to, attached or placed under the mine and which activates when an attempt is made to tamper with or otherwise intentionally disturb the mine. (APMBC)

Anti-Personnel Mine Ban Convention (APMBC) / Ottawa Convention Mine Ban Treaty (APMBC)

Note: Provides for a complete ban on the use, stockpiling, production and transfer of anti-personnel mines (APMs) and on their destruction. For the purposes of IMAS documents, Article 5 of the APMBC lays down requirements for the destruction of APMs in mined areas. Article 6 details transparency measures required under the Treaty including information on the location of mined or suspected mined areas and measures taken to warn the local population.

Anti-Personnel Mines (APM)

a mine designed to be exploded by the presence, proximity or contact of a person and that will incapacitate, injure or kill one or more persons.

Note: Mines designed to be detonated by the presence, proximity or contact of a vehicle as opposed to a person that are equipped with anti-handling devices, are not considered APM as a result of being so equipped. (APMBC)

Battle Area Clearance (BAC)

the systematic and controlled clearance of hazardous areas where the hazards are known not to include mines

bomblet see submunition.

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booby trap

an explosive or non-explosive device, or other material, deliberately placed to cause casualties when an apparently harmless object is disturbed or a normally safe act is performed. (AAP-6)

CCM (the 2008 Convention on Cluster Munitions)

the CCM prohibits all use, stockpiling, production and transfer of Cluster Munitions. Separate articles in the Convention concern assistance to victims, clearance of contaminated areas and destruction of stockpiles.

CCW (the 1980 Convention on Certain Conventional Weapons)

Note: The 1980 Convention on Prohibitions and Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects as amended on 21 December 2001. It has five parts, or “protocols.” Only two of them are related to mine action. Amended Protocol II deals with landmines, booby-traps and other devices, and Protocol V deals with the problem of explosive remnants of war (ERW).

CEN (Committee European Normalisation)

CEN is the European Committee for Standardisation.

Note: The mission of CEN is to promote voluntary technical harmonisation in Europe in conjunction with worldwide bodies and its European partners. European standards (referred to as EN (Europe Normalisation)) form a collection which ensures its own continuity for the benefit of users.

certification committee

a committee appointed by UNMAS to regularly review compliance of the impact component of the GMAA process with the UN certification guidelines based on the reports of the UN quality assurance monitor from the field.

Note: Acceptance of the findings of the impact component of the GMAA of a specific country by the international community is dependent on its certification by the UN certification committee.

clearance

in the context of mine action, the term refers to tasks or actions to ensure the removal and/or the destruction of all mine and ERW hazards from a specified area to the specified depth.

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cleared area

cleared land an area that has been physically and systematically processed by a demining organisation to ensure the removal and/or destruction of all mine and ERW hazards to a specified depth.

Note: IMAS 09.10 specifies the quality system (i.e. the organisation, procedures and responsibilities) necessary to determine that land has been cleared by the demining organisation in accordance with its contractual obligations.

Note: Cleared areas may include land cleared during the technical survey process, including boundary lanes and cleared lanes.

cleared lane / safety lane

the generic term for any lane, other than a boundary lane, cleared by a survey or clearance team to the international standard for cleared land. This may include access lanes outside the hazardous area or cross/verification lanes inside a hazardous area.

Cluster Bomb Unit (CBU)

an expendable aircraft store composed of a dispenser and sub-munitions. (AAP-6)

a bomb containing and dispensing sub-munitions which may be mines (anti-personnel or anti-tank), penetration (runway cratering) bomblets, fragmentation bomblets etc.

cluster munition

Note: The following definition of cluster munition is for political purposes as defined in the CCM. From a technical point of view cluster munitions are included in the overall definition of ERW.

Cluster munition refers to a conventional munition that is designed to disperse or release explosive submunitions each weighing less than 20 kilograms, and includes those explosive submunitions. (CCM)

It does not include the following:

- a) a munition or submunition designed to dispense flares, smoke, pyrotechnics or chaff; or a munition designed exclusively for an air defence role;
- b) a munition or submunition designed to produce electrical or electronic effects;
- c) a munition that in order to avoid indiscriminate area effects and the risks posed by unexploded submunitions, has all of the following characteristics:
 - (i) each munition contains fewer than 10 explosive submunitions

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- (ii) each explosive submunition weighs more than four kilograms
- (iii) each explosive submunition is designed to detect and engage a single target object
- (iv) each explosive submunition is equipped with an electronic self-destruction mechanism
- (v) each explosive submunition is equipped with an electronic self deactivating feature

cluster munition contaminated area

an area known, or suspected, to contain cluster munition remnants. (CCM)

community liaison / community mine action liaison

liaison with men and women in mine/ERW affected communities to exchange information on the presence and impact of mines and ERW, create a reporting link with the mine action programme and develop risk reduction strategies. Community liaison aims to ensure that the different community needs and priorities are central to the planning, implementation and monitoring of mine action operations.

Note: Community liaison is based on an exchange of information and involves men, women, boys and girls in the communities in the decision making process, (before, during and after demining), in order to establish priorities for mine action. In this way mine action programmes aim to be inclusive, community focused and ensure the maximum involvement of all sections of the community. This involvement includes joint planning, implementation, monitoring and evaluation of projects.

Note: Community liaison also works with communities to develop specific interim safety strategies promoting individual and community behavioural change. This is designed to reduce the impact of mines/ERW on individuals and communities until such time as the hazard is removed.

Confirmed Hazardous Area (CHA)

an area identified by a non-technical survey in which the necessity for further intervention through either technical survey or clearance has been confirmed.

cost-effectiveness

an assessment of the balance between a system's performance and its whole life costs.

Defined Hazardous Area (DHA)

an area, generally within a Confirmed Hazardous Area, that requires full clearance. A DHA is normally identified through thorough survey.

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demilitarisation

the act of removing or otherwise nullifying the military potential of a munition. Demilitarisation is a necessary step for military items prior to their release into a non-military setting (AOP 38).

the process that renders munitions unfit for their originally intended purpose.

deminer

a man or woman qualified and employed to undertake demining activities on a demining worksite.

demining / humanitarian demining

activities which lead to the removal of mine and ERW hazards, including technical survey, mapping, clearance, marking, post-clearance documentation, community mine action liaison and the handover of cleared land. Demining may be carried out by different types of organisations, such as NGOs, commercial companies, national mine action teams or military units. Demining may be emergency-based or developmental.

Note: in IMAS standards and guides, mine and ERW clearance is considered to be just one part of the demining process.

Note: in IMAS standards and guides, demining is considered to be one component of mine action.

Note: in IMAS standards and guides, the terms demining and humanitarian demining are interchangeable.

demining accident

an accident at a demining workplace involving a mine or ERW hazard (cf mine accident).

demining incident

an incident at a demining workplace involving a mine or ERW hazard (cf mine incident).

demining organisation

refers to any organisation (government, NGO, military or commercial entity) responsible for implementing demining projects or tasks. The demining organisation may be a prime contractor, subcontractor, consultant or agent.

demolition (dml)

destruction of structures, facilities or material by use of fire, water, explosives, mechanical or other means (AAP 6).

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destroy (destruction) in situ / blow in situ

the destruction of any item of ordnance by explosives without moving the item from where it was found, normally by detonating an explosive charge alongside.

destruction

the process of final conversion of munitions and explosives into an inert state whereby they can no longer function as designed.

detection

in the context of humanitarian demining, the term refers to... the discovery by any means of the presence of mines or ERW.

detonator

a device containing a sensitive explosive intended to produce a detonation wave. (AAP-6)

disarm

the act of making a mine or explosive ordnance safe by removing the fuze or igniter. The procedure normally removes one or more links from the firing chain.

dispenser

a container or device which is used to carry and release submunitions. (AAP-6)

disposal/destruction site

an area authorised for the destruction of munitions and explosives by detonation and/or burning.

donor

all sources of funding.

durability

the ability of an item or material to continue to perform its required function under stated conditions as time progresses. Durability is a function of reliability with time.

Note: Durability involves resistance to degradation, corrosion, cracking, de-lamination, thermal shock, wear and the effects of foreign object damage.

European Normalisation (EN)

See CEN (Committee European Normalisation)

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evaluation

the analysis of a result or a series of results to establish the quantitative and qualitative effectiveness and worth of software, a component, equipment or system, within the environment in which it will operate.

Note: Definition when used in context of equipment test and evaluation.

an assessment, as systematic and objective as possible, of an on-going or completed project, programme or policy, its design, implementation and results. The aim is to determine the relevance and fulfilment of objectives, developmental efficiency, effectiveness, impact and sustainability. An evaluation should provide information that is credible and useful, enabling the incorporation of lessons learned into the decision-making process of both recipients and donors.

Note: Definition from Principles for Evaluation of Development Assistance, Organisation for Economic Cooperation and Development, DAC, 1991.

a process that attempts to determine as systematically and objectively as possible the merit or value of an intervention.

Note: The word 'objectively' indicates the need to achieve a balanced analysis, recognising bias and reconciling perspectives of different stakeholders (all those interested in, and affected by programmes, including both male and female beneficiaries as primary stakeholders) through use of different sources and methods.

Note: Evaluation is considered to be a strategic exercise.

Note: Definition when used in relation to programmes. (UNICEF Policy and Programming Manual)

explosive materials

components or ancillary items used by demining organisations which contain some explosives, or behave in an explosive manner, such as detonators and primers.

Explosive Ordnance (EO)

all munitions containing explosives, nuclear fission or fusion materials and biological and chemical agents. This includes bombs and warheads; guided and ballistic missiles; artillery, mortar, rocket and small arms ammunition; all mines, torpedoes and depth charges; pyrotechnics; clusters and dispensers; cartridge and propellant actuated devices; electro-explosive devices; clandestine and improvised explosive devices; and all similar or related items or components explosive in nature. (AAP-6)

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Explosive Ordnance Disposal (EOD)

the detection, identification, evaluation, render safe, recovery and disposal of EO. EOD may be undertaken:

- > as a routine part of mine clearance operations, upon discovery of ERW
- > to dispose of ERW discovered outside hazardous areas, (this may be a single item of ERW, or a larger number inside a specific area)
- > to dispose of EO which has become hazardous by deterioration, damage or attempted destruction.

Explosive Remnants of War (ERW)

Unexploded Ordnance (UXO) and Abandoned Explosive Ordnance (AXO). (CCW protocol V).

explosives

a substance or mixture of substances which, under external influences, is capable of rapidly releasing energy in the form of gases and heat. (AAP-6)

failed cluster munition

a cluster munition that has been fired, dropped, launched, projected or otherwise delivered and which should have dispersed or released its explosive submunitions but failed to do so. (CCM)

fuze

a device which initiates an explosive train. (AAP-6)

gender mainstreaming (or mainstreaming a gender perspective)

refers to the process of assessing the different implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making the concerns and experiences of both women and men an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. (UNMAT 2005)

General Mine Action Assessment (GMAA)

the continuous process by which a comprehensive inventory can be obtained of all reported and/or suspected locations of mine or ERW contamination, the quantities and types of explosive hazards, and information on local soil characteristics, vegetation and climate; and assessment of the scale and impact of the landmine and ERW problem on the individual, community and country.

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GIS / Geographical Information System

an organised collection of computer hardware, software, geographic data, and personnel designed to efficiently capture, store, update, manipulate, analyse, and display all forms of geographically referenced information.

Note: GIS allows a user to graphically view multiple layers of data based on their geographic distribution and association. GIS incorporates powerful tools to analyse the relationships between various layers of information.

ground preparation

preparing of ground in a confirmed or defined hazardous area by mechanical means by reducing or removing obstacles to clearance eg tripwires, vegetation, metal contamination and hard soil to make subsequent clearance operations more efficient. Ground preparation may or may not involve the detonation, destruction or removal of landmines.

handover

the process by which the beneficiary (for example, the NMAA on behalf of the local community or land user) receives and accepts land which was previously suspected of containing an explosive hazard but which has subsequently had this suspicion removed, or reduced to a tolerable level, either through non-technical survey, technical survey or clearance.

handover certificate

documentation used to record the handover of land which was previously suspected of containing an explosive hazard but which has subsequently had this suspicion removed or reduced to a tolerable level.

hazard

potential source of harm. (ISO Guide 51:1999(E))

hazard (ous) area / contaminated area

a generic term for an area perceived to have mines and/or ERW.

hazard marker

object(s), other than hazard signs, used to identify the limits of a mine and ERW hazard area. Hazard markers shall conform to the specification established by the NMAA.

hazard marking system

a combination of measures (signs and barriers) designed to provide the public with warning and protection from mine and ERW hazards. The system may include the use of signs or markers, or the erection of physical barriers.

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hazard sign

a permanent, manufactured sign which, when placed as part of a marking system, is designed to provide warning to the public of the presence of mines or ERW.

humanitarian demining

see demining. (In IMAS standards and guides, the terms demining and humanitarian demining are interchangeable.)

impact

in the context of mine action, the term refers to...the level of social and economic suffering experienced by the community resulting from the harm or risk of harm caused by mine and ERW hazards and hazardous areas.

Note: Impact is a product of:

- a) the presence of mine/ERW hazards in the community
- b) intolerable risk associated with the use of infrastructure such as roads, markets etc
- c) intolerable risk associated with livelihood activities such as use of agricultural land, water sources etc
- d) number of victims of mine and ERW incidents within the last two years

Note: In the context of mine action evaluation, the term refers to ... the positive and negative, primary and secondary long-term effects produced by an intervention, directly or indirectly, intended or unintended. The term 'final outcome' may be substituted.

impact free

a term applied to countries that may still have mines but where the mined areas are not having a negative socio-economic impact on communities, eg the mines may be in remote, marked and unpopulated areas.

Note: In most cases, "impact free" should be considered in a static sense (ie impact free at this point in time) because changes in socio-economic patterns may bring people into contact with mines/ERW that previously had no impact.

impact survey

an assessment of the socio-economic impact caused by the actual or perceived presence of mines and ERW, in order to assist the planning and prioritisation of mine action programmes and projects.

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IMSMA (Information Management System for Mine Action)

Note: This is the United Nation's preferred information system for the management of critical data in UN-supported field programmes. IMSMA provides users with support for data collection, data storage, reporting, information analysis and project management activities. Its primary use is by the staffs of MACs at national and regional level, however the system is also deployed in support of the implementers of mine action projects and demining organisations at all levels.

inert

a munition that contains no explosive, pyrotechnic, lachrymatory, radioactive, chemical, biological or other toxic components or substances.

Note: An inert munition differs from a drill munition in that it has not necessarily been specifically manufactured for instructional purposes. The inert state of the munition may have resulted from a render safe procedure or other process to remove all hazardous components and substances. It also refers to the state of the munition during manufacture prior to the filling or fitting of explosive or hazardous components and substances.

insurance

an arrangement for financial compensation in the event of damage to or loss of (property, life of a person) to an individual or organisation to predetermined levels and due to specific listed circumstances.

Note: Insurance should include appropriate medical, death and disability coverage for all personnel as well as third party liability coverage.

Note: Such insurance need not necessarily have to be arranged through an insurance broker or company, unless otherwise required by contractual arrangements. Self insurance (under-writing) schemes, provided they are formally constituted on accepted actuarial principles and provide adequate cover, may be an acceptable alternative.

intended use (land)

use of land following demining operations.

Note: Intended use: use of a product, process or service in accordance with information provided by the supplier. (ISO Guide 51:1999(E))

Note: Intended land use should be included in the clearance task specification and clearance task handover documentation.

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International Mine Action Standards (IMAS)

documents developed by the UN on behalf of the international community, which aim to improve safety, quality and efficiency in mine action by providing guidance, by establishing principles and, in some cases, by defining international requirements and specifications.

Note: They provide a frame of reference which encourages, and in some cases requires, the sponsors and managers of mine action programmes and projects to achieve and demonstrate agreed levels of effectiveness and safety.

Note: They provide a common language, and recommend the formats and rules for handling data which enable the free exchange of important information; this information exchange benefits other programmes and projects, and assists the mobilisation, prioritisation and management of resources.

International Organisation for Standardisation (ISO)

Note: A worldwide federation of national bodies from over 130 countries. Its work results in international agreements which are published as ISO standards and guides. ISO is a NGO and the standards it develops are voluntary, although some (mainly those concerned with health, safety and environmental aspects) have been adopted by many countries as part of their regulatory framework. ISO deals with the full spectrum of human activities and many of the tasks and processes which contribute to mine action have a relevant standard. A list of ISO standards and guides is given in the ISO Catalogue (www.iso.ch/info/catinfo/html).

Note: The revised mine action standards have been developed to be compatible with ISO standards and guides. Adopting the ISO format and language provides some significant advantages including consistency of layout, use of internationally recognised terminology, and a greater acceptance by international, national and regional organisations who are accustomed to the ISO series of standards and guides.

land release

in the context of mine action, the term describes the process of applying all reasonable effort to identify, or better define, Confirmed Hazardous Areas and remove all suspicion of mines/ERW through non technical survey, technical survey and/or clearance.

Note: criteria for “all reasonable effort” shall be defined by the NMAA.

licence

in the context of mine action, the term refers to... a certificate issued by a NMAA in relation to the capacity or capability of a facility, for example a demolition site may be licensed for certain explosive limits and explosive storage areas may be licensed for certain types and quantities of munitions. Demining organisations receive organisational or operational accreditation from an accreditation body authorised by a NMAA.

Linking Mine Action with Development (LMAD)

(1) Efforts to enhance the contribution that mine action makes to socio-economic development and poverty reduction, particularly in contexts where contamination by landmines and ERW impedes post-conflict reconstruction and development. (2) Efforts by development actors, working with mine action organisations, to actively promote the development of mine-affected communities and regions.

marking

emplacement of a measure or combination of measures to identify the position of a hazard or the boundary of a hazardous area. This may include the use of signs, paint marks etc, or the erection of physical barriers.

marking system

an agreed convention for the marking of hazards or hazardous areas.

mechanical demining operations

refers to the use of machines in demining operations and may involve a single machine employing one mechanical tool, a single machine employing a variety of tools or a number of machines employing a variety of tools.

medical support staff

men and women employees of demining organisations designated, trained and equipped to provide first aid and further medical treatment of demining employees injured as a result of an accident.

Memorandum of Understanding (MOU)

a document used to facilitate a situation or operation when it is not the intention to create formal rights and obligations in international law but to express commitments of importance in a non-binding form.

mine

munition designed to be placed under, on or near the ground or other surface area and to be exploded by the presence, proximity or contact of a person or a vehicle. (APMBC)

mine accident

an accident away from the demining workplace involving a mine or ERW hazard (cf demining accident).

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mine action

activities which aim to reduce the social, economic and environmental impact of mines, and ERW including cluster munitions.

Note: Mine action is not just about demining; it is also about people and societies, and how they are affected by landmine and ERW contamination. The objective of mine action is to reduce the risk from landmines and ERW to a level where people can live safely; in which economic, social and health development can occur free from the constraints imposed by landmine and ERW contamination, and in which the victims' different needs can be addressed. Mine action comprises five complementary groups of activities:

- a) MRE
- b) humanitarian demining, ie mine and ERW survey, mapping, marking and clearance
- c) victim assistance, including rehabilitation and reintegration;
- d) stockpile destruction
- e) advocacy against the use of APM

Note: A number of other enabling activities are required to support these five components of mine action, including: assessment and planning, the mobilisation and prioritisation of resources, information management, human skills development and management training, QM and the application of effective, appropriate and safe equipment.

Mine Action Centre (MAC) (2009) / Mine Action Coordination Centre (MACC)

an organisation that, on behalf of the NMAA where it exists, typically is responsible for planning, coordination, overseeing and in some cases implementation of mine action projects. For national mine action programmes, the MAC/MACC usually acts as the operational office of the NMAA.

mine action organisation

refers to any organisation (government, military, commercial or NGO/civil society) responsible for implementing mine action projects or tasks. The mine action organisation may be a prime contractor, subcontractor, consultant or agent.

mine awareness

see Mine Risk Education (MRE).

mine clearance

the clearance of mines and ERW from a specified area to a predefined standard.

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Mine Detection Dog(s) (MDD)

a dog trained and employed to detect mines, ERW and other explosive devices.

mine free

a term applied to an area that has been certified as clear of mines to a specified depth. Also applied to a country or an area that has not had a mine contamination problem.

mine incident

an incident away from the demining workplace involving a mine or ERW hazard (cf demining incident).

mine risk

the probability and severity of physical injury to people, property or the environment caused by the unintentional detonation of a mine or ERW. (Adapted from ISO Guide 51:1999(E))

Mine Risk Education (MRE)

activities which seek to reduce the risk of injury from mines/ERW by raising awareness of men, women, and children in accordance with their different vulnerabilities, roles and needs, and promoting behavioural change including public information dissemination, education and training, and community mine action liaison.

mine sign

a sign which, when placed as part of a marking system, is designed to provide warning to the public of the presence of mines.

mined area

an area which is dangerous due to the presence or suspected presence of mines. (APMBC)

minefield

an area of ground containing mines laid with or without a pattern. (AAP-6)

monitoring (2009)

refers to a continuing function that uses systematic collection of data on specified indicators to provide management and the main stakeholders of an ongoing project, programme or policy with indications of the extent of progress and achievement of objectives, and progress in the use of allocated funds. (OECD/DAC)

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munition

a complete device charged with explosives, propellants, pyrotechnics, initiating composition, or nuclear, biological or chemical material for use in military operations, including demolitions. (AAP-6)

Note: In common usage, 'munitions' (plural) can be military weapons, ammunition and equipment.

National Mine Action Authority (NMAA)

the government entity, often an inter-ministerial committee, in a mine-affected country charged with the responsibility for the regulation, management and coordination of mine action.

Note: In the absence of a NMAA, it may be necessary and appropriate for the UN, or some other recognised international body, to assume some or all of the responsibilities, and fulfil some or all the functions, of a MAC or, less frequently, an NMAA.

neutralise

the act of replacing safety devices such as pins or rods into an explosive item to prevent the fuze or igniter from functioning.

Note: It does not make an item completely safe as removal of the safety devices will immediately make the item active again (cf disarm).

Note: A mine is said to be neutralised when it has been rendered, by external means, incapable of firing on passage of a target, although it may remain dangerous to handle. (AAP-6)

non-technical survey

survey activity which involves collecting and analysing new and/or existing information about a suspected hazardous area. Its purpose is to confirm whether there is evidence of a hazard or not, to identify the type and extent of hazards within any hazardous area and to define, as far as is possible, the perimeter of the actual hazardous areas without physical intervention. A non-technical survey does not normally involve the use of clearance or verification assets. The results from a non-technical survey can replace any previous data relating to the survey of an area.

permanent marking system

a marking system having an indefinite period of use, usually requiring maintenance (cf temporary marking system).

Personal Protective Equipment (PPE)

all equipment and clothing designed to provide protection, which is intended to be worn or held by an employee at work and which protects him/her against one or more risks to his/her safety or health.

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policy

defines the purpose and goals of an organisation, and articulates the rules, standards and principles of action that govern the way in which the organisation aims to achieve these goals.

post clearance inspection

in the context of humanitarian demining, the term refers to ... the process of measuring, examining, testing or otherwise comparing a sample of cleared land against the clearance requirements.

primer

a self-contained munition which is fitted into a cartridge case or firing mechanism and provides the means of igniting the propellant charge.

priority-setting (2009)

the process of deciding which tasks should be undertaken first, given limited resources and time. Priority-setting applies to all aspects of mine-action (MRE, land release stockpile destruction, and advocacy).

prodding

a procedure employed in the process of demining whereby ground is probed to detect the presence of sub-surface mines and/or ERW (cf sapping).

Protocol V (2007)

Protocol V to the CCW on Explosive Remnants of War.

Note: Under Protocol V, States Parties and parties to armed conflict are required to take action to clear, remove or destroy ERW (Art. 3), and record, retain and transmit information related to the use or abandonment of explosive ordnances (Art. 4). They are also obligated to take all feasible precautions for the protection of civilians (Art. 5) and humanitarian missions and organisations (Art. 6). States Parties in a position to do so should provide cooperation and assistance for marking, clearance, removal, destruction, and victim assistance, among other things (Art. 7 & 8). Protocol V entered into force on 12 November 2006.

proximity verification

an activity to observe mine/ERW hazard areas reported during the community interview.

Note: Observation must be done from a safe area and in accordance with the relevant protocols.

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public education

the process aimed at raising general awareness of the hazards of mines and ERW; through public information, formal and non-formal education systems.

Note: Public education is a mass mobilisation approach that delivers information on mine and ERW hazards. It may take the form of formal or non-formal education and may use mass media techniques. There may be a difference in access to education between men, women, boys and girls, which may affect the outreach of the mine awareness message and may call for the adoption of different educational means, message and material.

Note: In an emergency situation, due to time constraints and the lack of available data, it is the most practical means of communicating safety information. In other situations it can support community liaison.

public information dissemination

information concerning the mine and ERW situation, used to inform or update men, women and children. Such information may focus on particular issues, such as complying with mine ban legislation, or may be used to raise public support for the mine action programme. Such projects usually include risk reduction messages, but may also be used to reflect national mine action policy.

quality

degree to which a set of inherent characteristics fulfils requirements. (ISO 9000:2000)

Quality Assurance (QA)

part of QM focused on providing confidence that quality requirements will be fulfilled. (ISO 9000:2000)

Note: The purpose of QA in humanitarian demining is to confirm that management practices and operational procedures for demining are appropriate, are being applied, and will achieve the stated requirement in a safe, effective and efficient manner. Internal QA will be conducted by demining organisations themselves, but external inspections by an external monitoring body should also be conducted.

Quality Control (QC)

part of QM focused on fulfilling quality requirements. (ISO 9000:2000)

Note: QC relates to the inspection of a finished product. In the case of humanitarian demining, the 'product' is safe cleared land.

Quality Management (QM)

coordinated activities to direct and control an organisation with regard to quality. (ISO 9000:2000)

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random sampling

selection of samples by a process involving equal chances of selection of each item. Used as an objective or impartial means of selecting areas for test purposes.

raster data

the use of an imaginary grid of cells to represent the landscape. Point features are stored as individual column/row entries in a grid; lines are identified as a set of connected cells; and areas are distinguished as all of the cells comprising a feature.

reliability

the ability of an equipment, component or sub-component to perform a required function under stated conditions for a stated period of time.

reliable (mine action) information

information deemed acceptable by the NMAA for the conduct of demining operations.

Render Safe Procedure (RSP)

the application of special EOD methods and tools to provide for the interruption of functions or separation of essential components to prevent an unacceptable detonation.

residual risk

in the context of humanitarian demining, the term refers to... the risk remaining following the application of all reasonable efforts to remove and/or destroy all mine or ERW hazards from a specified area to a specified depth. (Modified from ISO Guide 51:1999)

risk

combination of the probability of occurrence of harm and the severity of that harm. (ISO Guide 51:1999(E))

risk analysis

systematic use of available information to identify hazards and to estimate the risk. (ISO Guide 51:1999(E))

risk assessment

overall process comprising a risk analysis and a risk evaluation. (ISO Guide 51:1999(E))

SELECTED DEFINITIONS FROM THE IMAS GLOSSARY

risk evaluation

process based on risk analysis to determine whether the tolerable risk has been achieved. (ISO Guide 51:1999(E))

risk reduction

actions taken to lessen the probability, negative consequences or both, associated with a particular risk.

safe

the absence of risk. Normally the term tolerable risk is more appropriate and accurate.

Note: in the context of munitions, the term safe is related to the “safe position” of a fuze

sample

in the context of humanitarian demining, the term refers to... one or more 1.0m² units of land drawn at random from a lot.

sample size

in the context of humanitarian demining, the term refers to... the number of 1.0m² units of land in the sample.

sampling

in the context of humanitarian demining, the term refers to... a defined procedure whereby part or parts of an area of cleared land are taken, for testing, as a representation of the whole area.

sampling planning

in the context of humanitarian demining, the term refers to... a specific plan that indicates the number of 1.0m² units of land from each lot which are to be inspected (sample size or series of sample sizes) and the associated criteria for determining the acceptability of the lot (acceptance and rejection numbers).

self-neutralisation

action generated by means of a device integral to a mine, which renders the mine inoperative, but not necessarily safe to handle. In landmines, this process may be reversible.(AAP-6)

specified area

in the context of humanitarian demining, the term refers to... that area for which mine or ERW clearance activity has been contracted or agreed, as determined by the NMAA or an organisation acting on its behalf.

APPENDIX 8

SELECTED DEFINITIONS FROM THE IMAS GLOSSARY

specified depth

in the context of humanitarian demining, the term refers to... the depth to which a specified area is contracted or agreed to be cleared of mine and ERW hazards, as determined by the NMAA or an organisation acting on its behalf.

standard

a standard is a documented agreement containing technical specifications or other precise criteria to be used consistently as rules, guidelines, or definitions of characteristics to ensure that materials, products, processes and services are fit for their purpose.

Note: Mine action standards aim to improve safety and efficiency in mine action by promoting the preferred procedures and practices at both head-quarters and field level. To be effective, the standards should be definable, measurable, achievable and verifiable.

standards

requirements, specifications or other precise criteria, to be used consistently to ensure that materials, products, processes and services are fit for their purpose.

Note: Mine action standards aim to improve safety and efficiency in mine action by promoting the preferred procedures and practices at both head-quarters and field level.

Standard Operating Procedures (SOPs)

instructions which define the preferred or currently established method of conducting an operational task or activity.

Note: Their purpose is to promote recognisable and measurable degrees of discipline, uniformity, consistency and commonality within an organisation, with the aim of improving operational effectiveness and safety. SOPs should reflect local requirements and circumstances.

stockpile

in the context of mine action, the term refers to... a large accumulated stock of EO.

stockpile destruction

the physical destructive procedure towards a continual reduction of the stockpile of explosive ordnance.

SELECTED DEFINITIONS FROM THE IMAS GLOSSARY

submunition

any munition that, to perform its task, separates from a parent munition. (AAP-6)

mines or munitions that form part of a CBU, artillery shell or missile payload.

survivor (landmine/ERW)

persons either individually or collectively who have suffered physical, emotional and psychological injury, economic loss or substantial impairment of their fundamental rights through acts or omissions related to the use of mines or the presence of ERW. Mine/ERW survivors or victims include directly impacted individuals, their families, and communities affected by landmines and ERW.

survivor assistance

see victim assistance.

Suspected Hazardous Area (SHA)

an area suspected of having a mine/ERW hazard.

Note: A SHA can be identified by an impact survey, other form of national survey, or a claim of presence of explosive hazard.

technical survey

describes a detailed intervention with clearance or verification assets into a Confirmed Hazardous Area, or part of a Confirmed Hazardous Area. It should confirm the presence of mines/ERW leading to the definition of one or more Defined Hazardous Area and may indicate the absence of mines/ERW which could allow land to be released when combined with other evidence.

temporary marking system

a marking system having a stated finite period of use (cf permanent marking system).

TNT (2, 4, 6 Trinitrotoluene)

one of the most widely used military high explosives. TNT is very stable, non-hygroscopic and relatively insensitive to impact, friction, shock and electrostatic energy. TNT is the most widespread type of explosive used in mines and munitions.

tolerable risk

risk which is accepted in a given context based on current values of society. (ISO Guide 51:1999(E))

SELECTED DEFINITIONS FROM THE IMAS GLOSSARY

Unexploded Ordnance (UXO)

EO that has been primed, fuzed, armed or otherwise prepared for use or used. It may have been fired, dropped, launched or projected yet remains unexploded either through malfunction or design or for any other reason.

unexploded submunition

an explosive submunition that has been dispersed or released by, or otherwise separated from, a cluster munition and has failed to explode as intended. (CCM)

United Nations Mine Action Service (UNMAS)

the focal point within the UN system for all mine-related activities.

Note: UNMAS is the office within the UN Secretariat responsible to the international community for the development and maintenance of IMAS.

Note: UNICEF is the focal point for MRE, within the guidelines of UNMAS overall coordination.

victim

a man, or a woman or a child who has suffered harm as a result of a mine, ERW or cluster munition accident.

Note: In the context of victim assistance, the term victim may include dependants or other persons in the immediate environment of a mine/ERW casualty, hence having a broader meaning than survivor.

victim assistance / survivor assistance

refers to all aid, relief, comfort and support provided to victims (including survivors) with the purpose of reducing the immediate and long-term medical and psychological implications of their trauma.

MINE ACTION AND EFFECTIVE COORDINATION: THE UNITED NATIONS INTER-AGENCY POLICY

I. VISION AND OBJECTIVES

1. The vision of the United Nations is a world free of the threat of landmines and explosive remnants of war¹ (ERW), where individuals and communities live in a safe environment conducive to development and where the needs of mine and ERW victims are met and they are fully integrated into their societies.
2. The objectives of the policy are:
 - > To ensure that all United Nations mine action team members are operating with the same purpose, in accordance with clearly articulated policies.
 - > To clarify the way in which decisions are made and coordination is achieved among United Nations mine action team members and with other stakeholders.
 - > To describe the United Nations' role in, and contribution to, mine action, including the roles and responsibilities of individual team members.
3. In line with this policy, the United Nations mine action team members formulate five-year strategies for mine action that contain the broad goals for mine action in general and identify the specific objectives that the United Nations intends to achieve during the pertinent period.²
4. The United Nations is committed to ensuring that its support to mine and ERW-affected countries is strategic, effective, efficient and delivered in a timely manner. To this end, the United Nations will bring its experience in the areas of coordination, resource mobilisation, local capacity development and institutional support, information management, training of personnel, and quality management to bear in all five pillars of mine action:
 - (1) **Landmine and ERW clearance** including technical survey, mapping, marking, clearance, post-clearance documentation, community mine action liaison and the handover of cleared land.³
 - (2) **Mine risk education** including educational activities which seek to reduce the risk of injury from landmines and ERW by raising awareness and promoting behavioural change including public information dissemination, education and training and community mine action liaison.
 - (3) **Victim assistance** including rehabilitation and reintegration⁴.
 - (4) **Stockpile destruction.**

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- (5) **Advocacy** in support of a total ban on anti-personnel landmines; and to promote the development of, and compliance with, international legal instruments that address the problems of landmines and ERW, and promote the human rights of affected people.

II. CONTEXT

5. Millions of scattered and unrecorded landmines and ERW in more than forty countries threaten lives and physical well-being and impede economic activity every day, largely in the developing world.⁵
6. Advocacy by non-governmental organisations (NGOs), the International Committee of the Red Cross (ICRC), governments and the United Nations on the negative humanitarian and developmental impact of landmines and ERW led to a number of initiatives by governments, civil society organisations, the United Nations and others. Legislative initiatives included the adoption of the Anti-Personnel Mine Ban Treaty (APMBT)⁶ and the Convention on Certain Conventional Weapons (CCW)⁷. Mine-affected countries, with assistance from the United Nations, regional organisations, national and international NGOs and private companies, developed comprehensive mine action programmes, including survey, marking, clearance, victim assistance, and MRE. In addition, the development of International Mine Action Standards (IMAS), begun in 1997, culminated in the adoption in 2001 by the Inter-Agency Coordination Group on Mine Action (IACG-MA) of sector-wide standards on safety and appropriate professional practice, procurement, and quality assurance.
7. The momentum generated by parties to the APMBT and the CCW and the commitment of a wide range of donors continues to contribute to the destruction of millions of stockpiled landmines and a dramatic reduction in the use, production, transfer and deployment of landmines. The number of new victims in many of the most severely mine- and ERW-affected countries continues to fall significantly.⁸
8. Many challenges remain. In 2004, at least six countries and a number of non-state actors were still using anti-personnel landmines. Approximately one-quarter of the world's countries are not yet committed to banning this weapon, including several of the world's most powerful states. Victims and persons living in fear of landmines will require supportive interventions for many years after a legal ban is universally achieved. Vast areas of land needed for productive use and development remain to be cleared.

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III. LEGAL FRAMEWORK

9. United Nations mine action is conducted on the basis of resolutions of the General Assembly and Security Council and is guided by the relevant international instruments prohibiting or restricting the use of landmines and addressing ERW, and the general principles of international humanitarian law on the conduct of war and the protection of civilians. The legal framework for United Nations mine action rests on the following instruments: the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, 1997 (“Anti-Personnel Mine Ban Treaty,” or APMBT), the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-traps and Other Devices, as amended in 1996 (Protocol II to the 1980 Convention on Certain Conventional Weapons, or CCW), the Protocol on Explosive Remnants of War (Protocol V to the 1980 CCW), 2003 (not in force as at 6 June 2005)⁹, and Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (the 1977 Additional Protocol I).
10. The APMBT imposes a total ban on the use, stockpiling, development, production and transfer of anti-personnel mines, and enjoins States Parties to destroy all stockpiled anti-personnel mines and all anti-personnel mines in mined areas under their jurisdiction or control. States Parties are furthermore bound to take all measures to ensure the protection of civilians and their exclusion from all such mined areas, to provide assistance for mine clearance and related activities and for the care and rehabilitation of mine victims, directly or through the United Nations system.
11. Unlike the APMBT, Protocol II to the CCW, as amended, restricts, but does not totally prohibit, the use of such weapons. The Protocol prohibits, in all circumstances, the use of mines, booby-traps or other devices which are designed to cause superfluous injury or unnecessary suffering, the use of any such weapon indiscriminately against civilian populations, individual civilians or civilian objects, or otherwise use them in any city, town or village, or area containing a similar concentration of civilians in which combat operations are not taking place. It is likewise prohibited, in all circumstances, to use booby-traps that are attached to internationally recognized emblems, sick, wounded, or dead persons, medical facilities, children’s toys and similar objects. The Protocol further enjoins the Parties to take all feasible precautions to protect civilians from the effects of such weapons, and at the end of the hostilities, to clear, remove

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and destroy such weapons in territories under their control, and to assist in such clearance, removal or destruction in territories under the control of other Parties.

12. Like Protocol II to the CCW, as amended, Protocol V is designed to minimise the risks and effects of ERW in post-conflict situations. It imposes upon States Parties obligations regarding the clearance, removal or destruction of ERW, both in territories under their control and in other territories, and obliges them to take all feasible precautions for the protection of civilians, peacekeepers and humanitarian workers through a system of information sharing and early warning, among others.
13. The 1977 Additional Protocol I to the Geneva Conventions, which for the most part is now considered a reflection of customary international law, prohibits the employment of weapons of a nature to cause superfluous injury or unnecessary suffering (Article 35); the employment of weapons the effects of which are of a nature to strike military objectives and civilians or civilian objects indiscriminately and without distinction (Article 51 (4) (a)), and weapons that treat as a single military objective a number of clearly separated and distinct military objectives located in a city, a town or other area containing a similar concentration of civilians (Article 51 (5)). The 1977 Additional Protocol I also prohibits indiscriminate attacks, i.e., those that cause incidental loss of civilian life that is excessive in relation to the concrete and direct military advantage anticipated (Article 51 (5) (b)). The 1977 Additional Protocol I finally enjoins parties to the conflict to take all feasible precautions, in the choice of means and methods of attack, to avoid, or minimise incidental loss of civilian life, injury to civilians or damage to civilian objects (Article 57).
14. United Nations mine action initiatives contribute to the United Nations' larger efforts to help ensure compliance with relevant resolutions and international legal norms and standards, including *inter alia* the Universal Declaration of Human Rights, the International Covenants on Economic, Social and Cultural Rights, and on Civil and Political Rights, the United Nations Convention on the Rights of the Child, the United Nations Convention on the Elimination of Discrimination against Women and the United Nations Convention on the Elimination of Racial Discrimination, the Standard Rules on the Equalisation of Opportunities for Persons with Disabilities, and the Convention relating to the Status of Refugees and its Protocol. United Nations mine action seeks to foster realisation of the Millennium Development Goals.

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IV. COMMON POSITIONS

15. The following paragraphs summarise the common positions of the United Nations, its agencies, funds and programmes in relation to the major issues confronting the sector.¹⁰

Assistance to mine-affected states and national ownership

16. To ensure the most effective and appropriate response to the landmine threat, United Nations mine action activities promote national ownership, institution-building and capacity development, and are contingent on adherence to the core requirements of the IMAS. The primary responsibility for mine action lies with the government of the mine-affected state. This responsibility should be vested in a national mine action authority that is charged with the regulation, management and coordination of a national mine action programme within its national borders, including the development of national mine action standards, standing operating procedures and instructions.

17. In a typical mine action programme, the United Nations supports the development of national mine action structures at three levels:

- (1) A mine action regulatory and policy institution at the inter-ministerial level.
- (2) A coordination body that supervises the various mine action operations in consultation with key stakeholders.
- (3) Operating organisations of non-governmental, commercial, civil defence, police or military nature.

18. In certain exceptional circumstances, it may be appropriate for the United Nations to assume some or all of the responsibilities, normally undertaken by a national mine action authority.

Assistance to victims

19. The United Nations stands ready to assist with programmes that address the needs of landmine and ERW victims preferably as part of national programmes that address the needs of all disabled people. Assistance activities may include first aid, emergency medical care, physical rehabilitation, ongoing medical follow-up, psychosocial support, vocational rehabilitation and training, education, social and economic development, community integration and support, employment generation, capacity development, physical mobility and accessibility and all other relevant needs of victims. Activities should also comply with and promote relevant international humanitarian and human rights standards.

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Capacity development

20. The United Nations pursues capacity development and institution-building or strengthening as an integral part of its programme activities from the outset. This includes advising governments on the development of legislation, policies and of coordinating and operational institutions. The United Nations encourages mine action NGOs to contribute to this effort.

Community-based planning and evaluation

21. At the local level the United Nations promotes a community participatory approach to mine action that puts the needs and priorities of people at the centre of the process. This approach informs the conduct of mine-action assessments, priority setting and field operations. The ultimate aim is to reduce the impact of landmines and ERW on people in affected environments. The United Nations will, therefore, give priority to mine-action activities that have the greatest positive impact on lives and livelihood opportunities in mine- and ERW-affected communities.

Compensation for injuries

22. The United Nations encourages governments to provide mine action personnel with appropriate insurance or compensation in the event of injury, disability or death in accordance with internationally recognised best practices.

Compliance with relevant international obligations and commitments

23. The United Nations promotes compliance with international obligations and commitments. The prospect of renewed landmine usage defeats efforts to alleviate the impact on affected communities, and the United Nations will normally refrain from assisting States that are not complying with their international legal obligations relevant to landmines and ERW. Similarly, the United Nations generally refrains from operating in areas controlled by non-state actors that do not make or comply with commitments relevant to landmines and ERW. Nevertheless, in particularly difficult humanitarian situations, it may be necessary and appropriate for the United Nations to conduct activities to reduce immediate threats to affected communities and to humanitarian personnel irrespective of the failure of the authorities to comply with relevant international norms and commitments. Advocacy to promote compliance, though, will continue in a prioritised manner in such circumstances.

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Cooperation and information-sharing

24. The United Nations promotes cooperation and information-sharing, as an essential element of effective and efficient mine action. To this end, the United Nations encourages governments and non-state actors to provide information on the scope and humanitarian and development impact of the mine and ERW problem within their borders or in territory under their control and to submit progress reports as required in relevant treaties applicable to them.

Development mainstreaming

25. The United Nations encourages all actors to integrate mine action into their development programmes, strategies and budgets, as appropriate. Without prejudice to emergency and life-saving operations, the United Nations promotes the mainstreaming of mine action into national development plans and processes to advance the Millennium Development Goals embodied in the Millennium Declaration (2000). Where appropriate, mine action should be an integral component of national sector strategies for, *inter alia*, health care, education, infrastructure, and agriculture.

Disarmament, demobilisation and reintegration (DDR)

26. The United Nations acknowledges the important role mine action can play in disarmament, demobilisation and reintegration efforts by employing former combatants in mine action programmes. The United Nations encourages parties to conflict and peacemakers to incorporate mine action in DDR initiatives, as appropriate.

Evaluation

27. The United Nations regularly commissions external evaluations of its mine action programmes and participates in, or encourages, evaluations of mine action programmes involving all stakeholders at the national or regional levels. The United Nations promotes the collection and dissemination of lessons learned based on such evaluations, and ensures that they inform future planning or programming.

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Gender

28. United Nations policy requires the mainstreaming of a gender perspective into all policies and programmes in the United Nations system¹¹. The importance of the gender mainstreaming strategy was reiterated by the General Assembly at its twenty-third special session in June 2000 (“Beijing +5”). The United Nations takes the distinct needs and perspectives of women and men, girls and boys into consideration in the design, implementation and evaluation of all aspects of its mine action programmes and encourages its partners to do the same. The United Nations issues *Gender Guidelines for Mine Action Programmes*.

Humanitarian imperative

29. United Nations mine action is based on the principles of humanity, neutrality and impartiality, and aims to improve human security. Mine action also facilitates the work of humanitarian, peacekeeping and development actors who provide assistance to vulnerable groups in emergency, peacekeeping, and post-conflict settings.¹²

Liability

30. The United Nations encourages governments to enact legislation that acknowledges government responsibility for the safety of areas cleared in accordance with applicable national standards or with IMAS, and for any residual liabilities and/or claims arising from or in connection with such mine clearance activities carried out in accordance with such standards.

National armed forces and mine action

31. The United Nations approach to cooperation with military and armed groups is guided by the Inter-Agency Standing Committee (IASC)’s “Reference Paper on Civil-Military Relations,” endorsed in June 2004 by the IASC Working Group, and the IASC’s “Guidelines on the Use of Military and Civil Defence Assets to Support United Nations Humanitarian Activities in Complex Emergencies” of March 2003. The former document states, in paragraph 39, that, “Any humanitarian operation using military assets must retain its civilian nature and character,” and in paragraph 38, that, “As a matter of principle, the military and civil defence assets of belligerent forces or of units that find themselves actively engaged in combat *shall not* be used to support humanitarian activities... Only under extreme and exceptional circumstances would it be appropriate to consider the use... of military assets of the parties engaged in combat operations. Specifically, this situation may occur when a highly vulnerable population cannot be assisted or accessed by any other means.”

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32. Based on this guidance, United Nations cooperation in the field of mine action may, in peacetime, support national mine action programmes that include collaborative arrangements with the national armed forces as long as the overall coordination, control and priority-setting of mine action is the responsibility of national civilian authorities. Such cooperation may include the provision of training, equipment and operating costs, but not the payment of salaries. The United Nations will not engage, directly or indirectly, in cooperative or collaborative arrangements with national military institutions when such arrangements hinder its neutrality and impartiality.
33. In the event that national military forces or armed groups still involved in conflict request assistance in mine action, the United Nations may support such activities, on an exceptional basis, in accordance with the policy guidance above. The terms and conditions of such assistance will normally be defined in a Memorandum of Understanding between the parties to the conflict. United Nations support in such circumstances is determined on a case-by-case basis by the Senior United Nations Official¹⁵ in the country concerned, in consultation with the Inter-Agency Coordination Group on Mine Action (IACG-MA).
34. All mine clearance operations involving the use of national armed forces and/or armed groups conducted with the support of the United Nations in peacetime or in a conflict situation should be undertaken using IMAS, or national standards based on IMAS.
35. When the United Nations is undertaking mine action in a country where the armed forces of other states are also present and operating (outside of United Nations Peacekeeping Operations), the United Nations seeks to obtain from those forces all information regarding landmines and ERW that may contribute to the safety of the civilian population, in accordance with Amended Protocol II and Protocol V of the CCW. The United Nations encourages such forces to comply with the terms of the APMBT or the CCW, or to abide by their principles as appropriate, to undertake any mine clearance operations in accordance with IMAS, and to report the results of such operations to the United Nations. Where required to ensure the safety of the civilian population or of mine action personnel, the United Nations may provide information to such forces about the nature and location of its mine action activities.

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Obtaining maximum impact

36. While every effort is made to address the mine action needs of communities as soon as possible, resources must be used in ways to maximise impact. Clearance, for example, may not always be the most effective option in the short term. In some cases, the impact on lives and livelihood will best be addressed initially through alternative means, such as fencing and marking mined areas and MRE. All mine-action programming must be based on the best available impact analysis, as well as relevant lessons learned. While emergency surveys should be carried out as quickly as possible, comprehensive surveys of the impact of landmines and ERW on communities are best done when uprooted populations have returned or resettled, basic security is restored, and access to all affected communities is possible.

Partnerships

37. The United Nations welcomes and acknowledges all contributions to mine action made by like-minded partners from governments and civil society. It recognises in particular the instrumental role played by the International Committee of the Red Cross (ICRC) and the Geneva International Centre for Humanitarian Demining (GICHD), and national and international NGOs, including the International Campaign to Ban Landmines (ICBL), in raising public awareness of the landmine issue and addressing the needs of those at risk.

38. The ICBL plays a key role in support of the APMBT and advocacy in general by advocating for a worldwide ban on antipersonnel landmines, universal adherence to the 1997 APMBT, immediate and sustainable support for the needs and rights of landmine survivors, and demining and mine risk education to safeguard lives and livelihoods in all affected countries.¹⁴ The ICRC is an important partner of the United Nations in many mine-affected countries, focusing on advocacy, preventive mine action programmes (incident surveillance, risk reduction and mine-risk education) and assistance to landmine victims (first aid, surgery, rehabilitation and socio-economic reintegration).¹⁵ The GICHD is an important partner of the United Nations. The Centre provides operational assistance to affected countries, undertakes research, and provides support to international treaties banning or restricting the use of landmines. It manages the development and maintenance of the Information Management System for Mine Action (IMSMA). It supports work on the IMAS and carries out studies aimed at improving the effectiveness and efficiency of mine action.¹⁶

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39. NGOs engaged in mine action are key partners in the international effort to address the mine and ERW problem. They respond to the emergency needs of mine-affected states in post-conflict environments and contribute to the development of indigenous capacities to respond to the consequences of landmines and ERW. Experienced NGOs have the capacity to effectively transfer skills related to all aspects of programme implementation and management. Their contributions to the promotion of safety and quality assurance standards, to developing community-based prioritisation based on humanitarian and development needs, assisting in developing operational plans, and raising local and global consciousness of the landmine problem make them a valuable source of insight, advice and operational capacity. Often working with affected communities prior to United Nations involvement in a mine-affected country, NGOs are important partners in the development and implementation of integrated, coherent and cost-effective mine action programmes.

Peace processes and mine action

40. Mine action can be an effective confidence-building measure in conflict and post-conflict situations. The United Nations encourages parties to conflict, mediators and others with influence in specific peace processes to foster peace-building by initiating mine action from the earliest reasonable moment and by ensuring that peace agreements include terms that define information sharing, access, adherence to international instruments and other necessary conditions related to the provision of mine action. The United Nations publishes Mine Action Guidelines for Ceasefire and Peace Agreements.

41. The United Nations acknowledges and supports the contribution that United Nations peacekeeping personnel can make in the areas of MRE and mine clearance and encourages troop-contributing countries, where appropriate, to train selected personnel to undertake mine action in accordance with IMAS.¹⁷

Resource mobilisation

42. The United Nations encourages national authorities and donors to dedicate sufficient resources to mine action so as to put an end to the suffering of individuals and communities as soon as possible. Where more than short-term interventions are required, funds should ideally be allocated on a multi-year basis to meet overall programme objectives and provide flexibility in addressing emerging needs. When funds are allocated in

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support of United Nations activities, the United Nations encourages donors, where possible, to channel funds directly to the United Nations agency undertaking the activity, in order to reduce transaction costs.

Safety training

43. The United Nations ensures that all United Nations personnel working in mine or ERW-affected countries receive landmine and ERW safety training prior to their deployment. Where a mine action centre managed or supported by the United Nations is present in the field, such training is also made available to the personnel of all United Nations agencies and partner organisations, to the extent practicable.

Standards

44. The United Nations endorses the IMAS as the standards in force for all United Nations mine action operations, and will only engage contractors that comply with IMAS (or the locally adapted version of IMAS). The United Nations keeps IMAS under continuous review. When supporting national programmes, the United Nations assists governments to develop national standards based on IMAS.

Technology

45. The United Nations encourages the development of appropriate specialised mine clearance equipment that will meet user requirements and enable the landmine problem to be addressed in a safe, quick and cost-effective way. The United Nations works with partners to ensure information is widely disseminated on emerging technologies, but does not fund research and development.

Transparency and accountability to donors

46. The United Nations is committed to working in a fully transparent way, providing timely, open and comprehensive reporting on its mine action activities to host governments and donors. Each member of the United Nations mine action team provides timely reporting to its donors in accordance with its financial regulations and rules and the reporting modalities negotiated with the donor. Where the United Nations has responsibility for donor funds and equipment, the United Nations shall have oversight of those funds within national programmes to ensure accountability and donor confidence. Wherever possible, harmonisation of donor reporting requirements is sought in order to promote consistency, quality of reporting and efficiency.

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Village demining

47. The United Nations recognises, but does not encourage, “village demining.” Village demining is mine and/or ERW clearance and hazardous area marking, undertaken by local inhabitants on their own behalf or that of their immediate community. Often described as a self-help initiative, or spontaneous mine clearance, village demining usually occurs outside or parallel to formal mine action structures. Where village demining occurs, the United Nations advises the authorities to regulate such activities, if possible, to support the implementation of mine risk education programmes, review the prioritisation of areas to be cleared and re-assess clearance capacities.

**V. MINE ACTION ROLES AND RESPONSIBILITIES
OF THE UNITED NATIONS****A. Decision-making and Coordination***Inter-agency coordination and decision-making*

48. Fourteen United Nations departments, programmes, funds and agencies are involved in mine action to varying degrees, in accordance with their mandates, areas of expertise and comparative advantages. These are: the Department of Peacekeeping Operations (DPKO), the United Nations Mine Action Service (UNMAS), the Department of Disarmament Affairs (DDA), the United Nations Development Programme (UNDP), the United Nations Children’s Fund (UNICEF), the United Nations Office of Project Services (UNOPS), the Food and Agriculture Organisation (FAO), the Office for the Coordination of Humanitarian Affairs (OCHA), the Office of the Special Advisor on Gender Issues (OSAGI), the Office of the High Commissioner for Human Rights (OHCHR), the United Nations High Commissioner for Refugees (UNHCR), the World Food Programme (WFP), the World Health Organization (WHO) and the World Bank. They coordinate their activities in the context of the Inter-Agency Coordination Group for Mine Action (IACG-MA), chaired by the Under-Secretary-General for Peacekeeping Operations at the Principals’ level and by the Director of UNMAS at the working-level. All mentioned departments, programmes, funds and agencies are members of the IACG-MA, except for the World Bank which acts as an observer.

49. In the context of United Nations reform, the Secretary-General designated UNMAS as the focal point for mine action within the United Nations system in 1997. This decision was welcomed by the General Assembly.¹⁸

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50. The IACG-MA is the forum for the: coordination of United Nations mine action policies, strategies and initiatives at the global level; monitoring the threat of landmines and ERW around the world; reviewing the United Nations mine action response in a given country; and approving IMAS and other guidelines and policies on behalf of the United Nations system as a whole. The IACG-MA provides options and recommendations for consideration by the Senior United Nations Officials in specific countries for an appropriate response to mine and ERW problems. UNMAS communicates the decisions and recommendations of the IACG-MA to all appropriate stakeholders. The IACG-MA may set up ad hoc groups to tackle particular country-specific or thematic issues. These groups report back to the IACG-MA. The IACG-MA takes decisions by consensus.
51. Mine action considerations may also be addressed, as appropriate, in humanitarian and development coordination mechanisms, including the Inter-Agency Standing Committee (IASC), the executive committees of the United Nations – the Executive Committee on Humanitarian Affairs, and the Executive Committee on Peace and Security) – and the United Nations Development Group. Mine action considerations relevant to peacekeeping operations are addressed in the appropriate task forces and working groups of the United Nations.
52. United Nations mine action is carried out in the field under the overall coordination of the Senior United Nations Official and the United Nations Country Team (UNCT).¹⁹ When confronted with a landmine or ERW problem, the Senior United Nations Official is encouraged to seek advice from UNMAS, which refers the matter for discussion in the IACG-MA, as described below. The Senior United Nations Official may also consult with competent staff of United Nations mine action team members present in the country or region. If the problem is of sufficient importance, the Senior United Nations Official and the UNCT may designate a sectoral lead agency for mine action and assign responsibilities within the UNCT for different aspects of mine action, taking into account the competencies and comparative advantage of the different United Nations partners, as described in section V subsection D, and the advice received from the IACG-MA.

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Coordination of United Nations response to requests for assistance

53. Requests for assistance by governments may be communicated through the Senior United Nations Official in the country to UNMAS for consideration in the IACG-MA or through their Permanent Missions to the United Nations. If agreed by the IACG-MA, and after consultation with the Senior United Nations Official, UNMAS coordinates an inter-agency multi-sectoral assessment mission. The assessment mission, in close consultation with the host government and the UNCT, defines the scope and nature of the problem, identifies constraints and opportunities, and makes recommendations for a suitable response including institutional arrangements for the coordination and implementation of operational activities. The assessment mission's findings are then discussed within the IACG-MA and UNMAS reports the results to the Senior United Nations Official for sharing with the government. Should the IACG-MA and the UNCT agree on the need for immediate, emergency action precluding even the possibility of an assessment mission, the steps enumerated in the section on Emergency Response (paras. 65 and 66 below) are followed. If the United Nations team members at Headquarters and in the field agree that the situation does not warrant immediate action, UNMAS so replies to the Member State.

54. Requests for the initiation of United Nations mine action in a country may also be received from the Security Council, in the context of a peacekeeping or peace support operation, or from the Senior United Nations Official in country, in the context of a humanitarian or other emergency. In these cases the procedure for coordinating and organising the response remains the same.

55. The IACG-MA is also convened whenever circumstances in a particular country warrant a re-consideration of the arrangements in place, or at the request of the Senior United Nations Official when circumstances require a change in the designation of United Nations sectoral lead agency for mine action.

United Nations coordination with other mine action stakeholder groups

56. The United Nations provides support to the Mine Action Support Group (MASG), the Resource Mobilisation Contact Group and the Forum of Mine-Affected Countries. The MASG is a donor forum chaired and convened by Member States, which meets on a monthly basis, generally in New York, to discuss thematic and operational matters of concern to donors. The Resource Mobilisation Contact Group meets in

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the margins of the APMBT Standing Committee meetings, is convened by Member States, and seeks to address issues of interest to States Parties to the treaty. The Forum of Mine-Affected Countries was established in November 2004 to provide an opportunity for New York-based representatives of mine-affected states to cooperate on mine action issues. The United Nations also supports donor coordination mechanisms in the field.

57. A Steering Committee on Mine Action (SCMA), chaired by the UNMAS Director, supports the coordination of United Nations mine action initiatives with non-United Nations partners and promotes consultation and information-sharing on policy issues and operations. In addition to the members of the IACG-MA, the Steering Committee includes representatives of the International Committee of the Red Cross (ICRC), Geneva International Centre for Humanitarian Demining (GICHD), the International Campaign to Ban Landmines (ICBL), and international mine action NGOs. The SCMA meets at least once a year, normally in Geneva, and may set up ad hoc groups to tackle particular country-specific or thematic issues. The ad hoc groups report back to the SCMA.

B. Programme Support and Management

58. United Nations mine action programme activities in the field generally fall under two broad categories: national programmes supported by the United Nations and programmes managed by the United Nations. A full description of each actor's competencies and activities is provided in section V subsection D on the core competencies and activities of United Nations agencies and key partners.

National programmes supported by the United Nations

59. National programmes supported by the United Nations include those programmes:
- > Established by Member States that require support to build or strengthen national capacity to address the landmine and ERW problem in the country.
 - > Transferred from management by the United Nations to the control of the government.

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60. In national programmes supported by the United Nations, the United Nations:

- > Assists with the assessment of the humanitarian and development impact of landmines and ERW.
- > Provides technical assistance and training and mobilises resources in support of national authorities and national/local organisations.
- > Provides advice and support to the national authority on the execution of its responsibilities to coordinate mine action programme planning and implementation, and meet its obligations under relevant international treaties.
- > Supports the establishment of management infrastructure, institutional arrangements and formulation of strategic plans.
- > Undertakes short focused interventions, when required, to assist the government to eliminate specific threats.
- > Reports to the Resident Coordinator or Humanitarian Coordinator, who provides political and policy guidance to ensure that mine action activities are in line with overall United Nations objectives in the country.
- > Reports periodically to the IACG-MA on threat monitoring, opportunities for programme activities, changes in operational environment, progress towards reducing and eventually removing United Nations support.
- > Develops in collaboration with national partners and other stakeholders, a plan for the phased withdrawal of United Nations support.

61. Plans to reduce and eventually withdraw United Nations assistance to the national authorities will be coordinated by the UNCT in consultation with the host government and the IACG-MA. Should circumstances require the resumption of the programme under United Nations management or with United Nations support, consultations will take place with the national authorities, the UNCT and the IACG-MA.

Programmes managed by the United Nations

62. Programmes managed by the United Nations include those programmes:

- > Established by a Security Council resolution.
- > Established upon request of a national authority that invites the United Nations to manage the programme until such time as it decides to assume those responsibilities itself.

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- > Operating in emergency situations in the absence of a functional national authority or in an area over which the national authority does not exercise control, at the request of the Emergency Relief Coordinator.
 - > In which a short, focused intervention is sufficient to eliminate the threat and a request for such assistance is received from the concerned government.
63. In programmes managed by the United Nations, the United Nations:
- > Undertakes assessments to determine the humanitarian impact of landmines and ERW.
 - > Establishes a coordination mechanism.
 - > Coordinates the development of strategic and operational plans, as appropriate, in collaboration with government entities, NGOs, donors and other stakeholders.
 - > May undertake mine action implementation, including operational programming (tendering of contracts, procurement of equipment), coordination, information management, and quality assurance.
 - > Promotes the establishment by the government of management infrastructure and institutional arrangements to assume responsibility for the programme when necessary.
 - > Coordinates resource mobilisation efforts, and establishes an in-country forum for consultation with donors.
 - > Reports to the Senior United Nations Official in the field.
 - > Provides periodic reports to the IACG-MA on threat monitoring, opportunities for programme activities, changes in operational environment, and progress towards the establishment of a national mine action authority and the possibility of transition to a national programme supported by the United Nations.
 - > Coordinates development of a plan, in collaboration with national and United Nations partners, establishing the milestones to be reached before management of the programme is transferred to national authorities.
64. Where the United Nations has been managing a programme on behalf of a national or local authority, the United Nations encourages or assists the government to develop a plan to transfer responsibility for the programme to the national authorities, based on the attainment of agreed

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milestones as part of a single and integrated strategy. The transfer process will normally be implemented as a phased activity, as capacity is developed within the national and local structures. The process will culminate when appropriate capabilities exist within these structures, and the formal handover of remaining responsibilities will be completed. Arrangements for the administrative transfer of equipment and funds under the responsibility of the United Nations will be formalised between the relevant agencies. Arrangements for continued United Nations technical support and assistance will be agreed with the national authorities. Whenever practical and in order to facilitate the transfer process, the United Nations entity responsible for providing logistical, financial and administrative support to a mine action programme during the initiation phase may be engaged to continue its support during the further development of the programme.

Emergency Response

65. In emergencies, and when requested by national governments, the Security Council, or the SRSG or Humanitarian Coordinator as part of a peacekeeping or emergency humanitarian operation, the United Nations, in accordance with its inter-agency framework for rapid response, may:

- > Coordinate threat monitoring, planning and implementation activities in collaboration with partners.
- > Mobilise its standby partners for training, survey, explosive ordnance disposal and mine clearance activities to create a safe environment for the provision of humanitarian and relief aid including food and non-food items.
- > Lead the development of an overall MRE strategy including for displaced and refugee populations.
- > Support the development of a plan for transfer of the mine action programme/response to the national government, if required.

66. Organisations with experience or plans to operate in the country are included as early as possible in the planning process, and their assistance in the development and implementation of the response is requested as appropriate.

C. Key Activities of United Nations-Supported and Managed Programmes

67. The key activities undertaken by United Nations-supported and United Nations-managed mine action programmes are described below. In situations where more than one agency is working in the same type of activity, the UNCT will establish relevant coordination mechanisms (see paragraph 52).

Survey and clearance

68. In a national programme supported by the United Nations, the United Nations normally:

- > Assists the national authority to strengthen its capacity to ensure that survey and clearance activities are carried out effectively and efficiently and in accordance with relevant standards.
- > Assists in the development of a national strategic plan that is made operational through annual work plans.
- > Supports the implementation of a landmine impact survey and conducts certification of such surveys through quality assurance monitors deployed to the field.

69. In programmes managed by the United Nations, the United Nations normally:

- > Encourages or engages organisations, including international and national NGOs and commercial firms to conduct field operations.
- > Develops a system for prioritisation articulated through work plans.
- > Coordinates the various actors through appropriate mechanisms, steering committees and technical working groups.
- > Collects geographic and statistical information through implementing partners and its own staff, for analysis and dissemination.
- > Develops technical safety standards and quality management regimes based on IMAS.
- > Accredits operators.
- > Plans and tasks the operations of various implementers for survey and clearance.
- > Establishes and executes a quality assurance and control regime.
- > Investigates mine accidents and convenes Boards of Inquiry for mine incidents and accidents involving mine action operations.

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Mine Risk Education

70. In both national programmes supported by the United Nations and United Nations managed programmes, the United Nations normally works with partners and:

- > Implements and coordinates public information campaigns, education and training programmes, and community liaison projects in accordance with relevant IMAS.
- > Implements MRE impact and process monitoring and evaluation activities.
- > Undertakes comprehensive MRE needs assessments and knowledge, attitude and practice surveys.
- > Develops community-oriented MRE planning and prioritisation systems focusing on reducing casualties and mine risks.
- > Develops national and international MRE policy, tools and techniques, guidelines and standards.
- > Assists in the development of landmine injury surveys and surveillance systems in accordance with World Health Organization (WHO) surveillance guidelines.
- > Ensures the inclusion of MRE messages in school curricula.
- > Mobilises resources for MRE and associated activities.

Victim Assistance

71. In accordance with the sectoral policy on victim assistance, the United Nations:

- > Executes advocacy initiatives in support of the human rights of mine and ERW survivors.
- > Promotes and supports the development of victim assistance initiatives with the government ministry involved in public health or human welfare, and in consultation with NGO partners.
- > Assists governments to incorporate the socio-economic re-integration of landmine and ERW survivors into national development and recovery plans, budgets and programmes; provides technical assistance and/or mobilises resources for victim assistance programmes.
- > Supports the development of a comprehensive system for the collection of casualty data through standardised victim surveillance systems.
- > Coordinates, or assists in, the analysis of casualty data.

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- > Ensures that casualty data are shared with relevant partners and are available to inform efforts to provide services to mine and ERW survivors.

Handling and destruction of stockpiles and abandoned ordnance

72. In stockpile destruction, the United Nations:

- > Provides national authorities with technical advice required to destroy stockpiles of landmines.
- > Mobilises resources to undertake stockpile destruction.
- > Maintains a stockpile destruction database on the E-MINE website.²⁰

73. With regard to abandoned ordnance and surrendered munitions, the United Nations:

- > Provides national authorities with technical advice on handling, storage and/or destruction.
- > Mobilises resources to assist national authorities to destroy such munitions.
- > Records, or assists the authorities to record, details of activities relating to the handling, storage and/or destruction of abandoned ordnance or surrendered munitions.

Advocacy and support for the implementation of international obligations and commitments

74. In advocacy, the United Nations:

- > Implements the United Nations sectoral strategy on advocacy.
- > Supports the bodies, meetings and conferences established pursuant to, or in support of, the APMBT.
- > Promotes the universalisation of existing international instruments banning or limiting landmines and the development of new instruments where required.
- > Monitors the status of the APMBT's implementation.
- > Provides substantive support to the meetings associated with relevant aspects of the CCW.
- > Seeks to build national capacities to implement relevant international legal obligations.
- > Promotes international instruments that further the human rights of landmine survivors.

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Capacity Development

75. United Nations-supported and United Nations-managed mine action programmes pursue capacity development and institution-building or strengthening, which includes:

- > Advising governments on the development of national and local mine action policy-making, coordination and operational institutions, including the drafting of enabling legislation.
- > Developing or assisting in the development and implementation of a coordinated capacity- and institution-building plan or strategy, in consultation with relevant United Nations and civil society actors.
- > Encouraging and assisting government or national mine action authorities to integrate pertinent aspects of mine action into national development plans and budgets.

Information management and outreach

76. In accordance with the sectoral policy on information management and outreach, the United Nations:

- > Coordinates the collection and dissemination of mine action-related information through the E-Mine website.
- > Undertakes to raise public awareness of the mine and ERW problem and efforts being made to address it.
- > Coordinates information collection, management and outreach concerning United Nations mine action.
- > Promotes the use of standardised data collection and management, generally through IMSMA, in mine action programmes.

Resource mobilisation

77. In resource mobilisation, the United Nations:

- > Produces and regularly updates the *Portfolio of Mine Action Projects*, a reference tool that provides donors, national authorities, NGOs and advocates with a compilation, coordinated at national level, of United Nations, government and NGO mine-action projects.²¹
- > Coordinates Portfolio submissions with the CAP as appropriate.
- > Undertakes direct appeals to donors both at Headquarters, in the field and in donor capitals.

Full text available at: <http://www.e-mine.org/doc.asp?d=40>

ENDNOTES

- ¹ The term "explosive remnants of war" refers to unexploded ordnance (UXO) and abandoned explosive ordnance. See [Protocol V of the CCW](#).
- ² Report of the Secretary-General to the General Assembly on Assistance in Mine Action (A/58/260 and A/58/260/Add.1 dated 8 August 2003).
- ³ [International Mine Action Standards](#), (4.10), 2nd Edition dated 1 January 2003, para. 3.42.
- ⁴ The term "victim" as commonly understood in mine action, refers generally to those who have been injured or killed by a landmine or ERW explosion, and also their families who suffer emotional, social and financial loss and the communities that lose access to land and other resources due to the presence of landmines or ERW. The term "survivor" refers to any individual who has been directly injured by a landmine or ERW explosion and has survived the accident. In the context of this policy, "victim assistance" refers to all care and rehabilitation activities that aim to meet the immediate and long-term needs of landmine and ERW survivors, their families, and affected communities.
- ⁵ The [Landmine Monitor Report 2003](#) states that a total of 82 countries are affected by the presence of landmines. Of this number, United Nations programmes have been established in more than 30 countries and territories, starting with Afghanistan in 1989 and Cambodia in 1992. Landmines have an impact on the lives of significant numbers of people in about 40 countries.
- ⁶ [Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on their Destruction](#) opened for signature in Ottawa on 3 December 1997.
- ⁷ [Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be Excessively Injurious or to have Indiscriminate Effects \(CCW\)](#) (1980), [Amended Protocol II](#) of 1996 (entered into force), and [Protocol V](#) of the CCW of 2003 (not entered into force as at 1 October 2004).
- ⁸ For more detailed information on the status of the global landmine/ERW problem, please read [the Review Document and Action Plan](#) of the First Review Conference of the Anti-Personnel Mine Ban Convention, also referred to as the Nairobi Summit, which can be accessed at: www.nairobisummit.org.
- ⁹ [Protocol V](#) to the CCW will enter into force six months after receipt of the 20th ratification.
- ¹⁰ The application of these common positions and policies in specific situations may be modified by decisions of the Organisation's competent political organs, in particular, when demining activities are undertaken pursuant to the request of such an organ.
- ¹¹ See, ECOSOC agreed conclusions 1997/2 and E/2004/59.
- ¹² The exact definition of the humanitarian imperative is provided in General Assembly resolution A/RES/46/182 on 'Strengthening of the coordination of humanitarian emergency assistance of the United Nations,' 19 December 1991.

ENDNOTES

- ¹³ The “Senior United Nations Official” is the Resident Coordinator/Humanitarian Coordinator and the United Nations country team, and/or the Special Representative of the Secretary-General, as appropriate.
- ¹⁴ For more details on the activities of the ICBL, go to www.icbl.org.
- ¹⁵ For more details on the activities of the ICRC, go to www.icrc.org.
- ¹⁶ For more details on the activities of the GICHD, go to www.gichd.ch.
- ¹⁷ S/PRST/2003/22 and ‘Emergency mine action in United Nations peacekeeping and peace support operations’, and IMAS at www.mineactionstandards.org.
- ¹⁸ A/RES/53/26
- ¹⁹ The United Nations Country Team (UNCT) is composed of representatives of the United Nations agencies operating in a given country and coordinated by the Senior United Nations Official in-country. The UNCT represents the principal mechanism of coordination at the country level.
- ²⁰ URL: <http://www.mineaction.org>
- ²¹ URL: <http://www.mineaction.org>, email: dpko-mines-portfolio@un.org.





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