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# briefing paper

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## Addressing explosive ordnance in peace processes

Emile LeBrun & Suzanne Damman



## ABOUT THE HD CENTRE

The Centre for Humanitarian Dialogue (HD Centre) is an independent Swiss foundation dedicated to helping improve the global response to armed conflict. It attempts to achieve this by mediating between warring parties and providing support to the broader mediation community. The HD Centre is driven by humanitarian values and its ultimate goal is to reduce the consequences of violent conflict, improve security, and contribute to the peaceful resolution of conflict.

The HD Centre began operations in 1999 and has since become one of the world's leading conflict mediation organisations. Operational engagements are complemented by policy and analytical work focused on civilian protection, mediation techniques, transitional issues and arms and security matters.

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**Photo:** In Goma in the Democratic Republic of the Congo, a pile of hand grenades discarded on the border with Rwanda. © Panos/TeunVoeten

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Emile LeBrun & Suzanne Damman

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# INTRODUCTION

All modern armed conflicts result in explosive ordnance contamination. Before and after the cessation of hostilities, the presence of unexploded and abandoned explosive ordnance—landmines, cluster munitions, bombs and warheads, and a range of other explosive devices—presents immediate and long-term threats and challenges for local populations, returnees and governments. The lives that these weapons claim, the horrific injuries and disabilities that they inflict, and the ongoing strains that they impose on war-ravaged economies and depleted health and social welfare

systems all justify the attention of those around the peace negotiation table. Additionally, abandoned ordnance can quickly disappear into illicit arms markets or flow to neighbouring areas where armed conflict is present or possible.

Preventing further death, impairment, disability and suffering from these weapons depends on the engagement and cooperation of conflict parties, civil society, international organisations and the donor community. For these reasons, principles and guidelines covering explosive ordnance and their survivors have



A cluster bomb munition made safe at a Handicap International Control Point in Lebanon. © Panos/Stuart Freedman

an important and appropriate place in peace agreements. Indeed, in many cases—particularly, but not exclusively in the case of “frozen” conflicts—action to address these weapons can (and should) commence prior to a formal agreement. Action on explosive ordnance in fact can function as a powerful confidence-building measure, bringing parties together and contributing to enhanced cooperation towards agreement in other areas.

Those directly involved in peace negotiation and facilitation therefore require some familiarity with the key issues for addressing explosive ordnance issues. Yet to date little guidance exists for those sitting around the peace table (and for those supporting and advising them) on how to tackle the control and removal of these weapons. This briefing paper aims to fill that gap, by providing the peacemaking community with a concise summary of the issues associated with explosive ordnance, an examination of how they have (or have not) been addressed in peace agreements to date, and some considerations and principles for good practice in future peace processes.

This report is timely in a number of ways. The scope and range of initiatives addressing weapons issues in nations recovering from war has grown considerably in recent years, informed by an expanding research base and lessons learned. Disarmament, demobilisation and reintegration of fighting forces and longer-term post-war weapons control efforts have come to be increasingly supported through bilateral and multilateral mechanisms and financed through

development frameworks. At the same time, the international community has recently moved to comprehensively prohibit one class of explosive ordnance through the creation of the 2008 Convention on Cluster Munitions. The Convention builds on earlier efforts to prohibit landmines through the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines (also known as the Mine Ban Treaty) and to address the threat from unexploded and abandoned explosive munitions through the 2003 Protocol V on Explosive Remnants of War of the 1980 Convention on Conventional Weapons. These and other treaties contain obligations and principles for States Parties to address the humanitarian consequences of explosive ordnance in peace agreements. Negotiators thus have a range of legal instruments from which to draw guidance for peace agreements and to which they can encourage parties to adhere.

The publication is informed by the concerns and approaches of the Centre for Humanitarian Dialogue’s ‘Negotiating Disarmament’ project.<sup>1</sup> Over several years, the project has explored how weapons, weapons-holders, and the impacts of armed violence are understood and addressed around the peace negotiation table. It is hoped that this Briefing Paper provides an accessible resource for those confronting these issues in the years to come.

**—Cate Buchanan**  
‘Negotiating Disarmament’ Project Manager

# ACRONYMS AND ABBREVIATIONS

## **AP**

Anti-personnel (landmine)

## **ASAs**

Ammunition storage areas

## **AV**

Anti-vehicle (landmine)

## **AXO**

Abandoned explosive ordnance

## **CCW**

Convention on Certain Conventional Weapons<sup>2</sup>

## **CCM**

Convention on Cluster Munitions

## **DDR**

Disarmament, demobilization and reintegration

## **EO**

Explosive ordnance

## **ERW**

Explosive remnants of war (comprising unexploded ordnance and abandoned explosive ordnance)

## **ICBL**

International Campaign to Ban Landmines

## **IMAS**

International Mine Action Standards

## **IED**

Improvised explosive device

## **IHL**

International humanitarian law

## **IMAS**

International Mine Action Standards

## **MBT**

Mine Ban Treaty<sup>3</sup>

## **OSCE**

Organization for Security and Cooperation in Europe

## **UNMAS**

United Nations Mine Action Service

## **UXO**

Unexploded ordnance



# SECTION 1 EXPLOSIVE ORDNANCE AND ITS IMPACTS

All modern armed conflicts result in explosive ordnance contamination. According to the verification wing of the International Campaign to Ban Landmines (ICBL), Landmine Monitor, explosive ordnance contamination affects at least 70 countries.<sup>4</sup> As a broad category, explosive ordnance includes some of the most destructive weapons of war, whose dangers remain long after fighting stops. For the purpose of this paper, “explosive ordnance” comprises all munitions containing explosives, including:

- Landmines;
- Cluster munitions and dispensers;
- Improvised explosive devices (IEDs);
- Bombs and warheads;
- Guided and ballistic missiles;
- Artillery, mortar, and rocket shells and small arms ammunition;
- Naval mines, torpedoes and depth charges;
- Pyrotechnics;
- Cartridge- and propellant-actuated devices;
- Electro-explosive devices;
- All similar or related items or components explosive in nature.<sup>5</sup>

For more information see Annex 1, “Additional technical information on landmines and cluster munitions.”

Explosive ordnance requiring attention falls into two broad categories: unexploded ordnance (UXO)—munitions, including mines, that have been deployed but have failed to function—and abandoned explosive ordnance (AXO)—explosive weapons, armed or not, that are present in stockpiles or left behind when forces retreat.<sup>6</sup> The disposition of unexploded and abandoned ordnance forms a continuum with different associated risks. At one end of the spectrum are live mines and unexploded cluster submunitions in public spaces, which can render entire areas such as agricultural land and public trading spaces off-limits. At the other end of the spectrum are abandoned caches of weapons

hidden in remote areas, with some susceptibility to leakage and random explosion.

**Landmines:** Landmines can be categorised according to whether they are designed to incapacitate people (anti-personnel, AP) or vehicles and/or tanks (anti-vehicle, AV). But while this distinction is important from legal and military perspectives, the uses of these weapons overlap: for example, they are often placed together in mixed minefields, and AV mines can have fuzes so sensitive that they can be triggered by an individual riding a motorbike or a child jumping down off a truck. Both consequently pose threats to civilians, both directly and, in the case of anti-vehicle mines, through the obstacle that they pose to the delivery of humanitarian aid.

Although AP mines have garnered the most attention to date, other types of explosive ordnance have equally grave humanitarian consequences. According to the Geneva International Centre for Humanitarian Demining, the total amount of non-landmine explosive ordnance around the world “far exceeds” the total number of landmines.<sup>7</sup>

**Cluster munitions:** Cluster munitions are weapons that pose particular post-war challenges. When dropped from aircraft or launched from the ground, cluster munitions disperse or release high explosive submunitions over a wide area, as much as several hundred square meters. The size, density and location of the impact area depend on a range of factors, including the speed and altitude at which the dispenser opens, wind speed, and the contours of the terrain. This means that they are imprecise area weapons that can often directly impact civilian areas.<sup>8</sup> Cluster munitions are particularly dangerous to clear, and have been used on a large scale in a few known areas—including Laos, Cambodia and Vietnam, as well as Afghanistan, Iraq, Southern Lebanon and Serbia.

**Other explosive remnants of war:** As noted above, landmines and cluster munitions are not the only dangerous explosive munitions left behind after conflicts. Vast quantities of unexploded bombs, shells, grenades and even missiles often remain on the ground, posing an equally severe threat to civilians for years or decades after the conflict is over. According to Landmine Monitor, the threat from poorly managed ammunition storage areas (ASAs) also has gained greater prominence over the last few years. In 2007 and 2008 alone, explosions in ASAs occurred in Albania, Bulgaria, Colombia, Democratic Republic of Congo, India, Iran, Iraq, Mozambique, Syria, Ukraine, and Uzbekistan, killing and injuring many hundreds of people and contaminating dozens of square kilometres of previously safe land.<sup>9</sup>

## The impacts of explosive ordnance

It is impossible to give an accurate estimate of the total number of individuals killed immediately or as a result of their injuries by explosive ordnance over the last fifty years. However, explosive ordnance continues to claim thousands of victims each year, during and after violent conflict, in many parts of the world. In 2007, Landmine Monitor identified 5,426 casualties caused by mines, explosive remnants of war (ERW), and victim-activated improvised explosive devices (IEDs).<sup>10</sup> Many casualties are still believed to go unreported, however. Gauging the number of survivors globally is difficult, but it is estimated that several hundred thousand people, perhaps nearly half a million, have life-long

### Box 1

#### A mediator's perspective on mine action in Nagorno-Karabakh

Mediators and facilitators often face two basic questions when it comes to the issue of explosive ordnance: Is the problem best handled within the context of a negotiated peace process or left apart to be tackled independently? And furthermore, how detailed should provisions governing explosive ordnance be? Incorporation into a peace process highlights the importance of this key security concern, but also risks its resolution being held hostage to other issues. Meanwhile, being too specific in treaty language can be counter-productive in other ways, providing additional areas for dispute, creating unwelcome precedents, or even setting standards that cannot be met.

The dispute between Azerbaijan and Armenia over the territory of Nagorno-Karabakh provides a prime example. Although a basic ceasefire has held since 1994, the dispute remains unresolved despite years of intense diplomacy and peace-making efforts. Unfortunately, the conflict involved significant use of landmines and cluster munitions, and in the absence of a peace deal it has been vitally important to lives and livelihoods in the region to address the hazards they have posed.

From my perspective in 2000–2001, when the Organisation for Security and Cooperation in Europe (OSCE) Nagorno-Karabakh mediation efforts were at their peak, explosive ordnance was certainly one of many concerns. After consultations with mine action groups already on the ground, however, the mediators determined that the most prudent approach was to note the importance of addressing the problem, but to keep the issue out of the formal mediation process. This would not only let it move forward at its own pace, but would avoid any possible language that might unduly tie the hands

of mine action groups. This strategy mirrored my previous experiences working with humanitarian and other NGOs in conflict zones. These organisations often prefer to have a clear playing field so that they can engage on the basis of “established practice.” Specifying too closely what needs to be done, when, and how, may block these organisations from being able to take advantage of unforeseen opportunities or employ the most effective procedures (both in terms of cost and results).

In retrospect, the lack of proposed treaty language governing explosive ordnance in the Nagorno-Karabakh conflict appears to have been a blessing. While peace proposals have languished, demining has proceeded. In 2000, the HALO Trust was able to set up a mine action centre in the territory; despite the stalemate that arose after the 2001 OSCE Key West Peace Talks, they have continued to produce annual work plans with the input of various agencies, regional administrations and government ministries. This work has proceeded more or less without objections from the parties. The absence of a peace agreement, or even of progress toward one, has not hindered demining. Today, most mines and UXO in urban areas (including the city of Stepanakert and the Shushi region) have already been cleared. Contamination still affects people in rural areas, however, and HALO expects to remain for a further five years until the territory can be declared “mine impact-free.”

**U.S. Ambassador Carey Cavanaugh** was the U.S. Co-chair of the OSCE Minsk Group (responsible for peace efforts between Armenia and Azerbaijan on Nagorno-Karabakh) and worked on implementation of the Interim Arrangements for the Nagorno-Karabakh Nuclear Forces Treaty. He is director of the Patterson School of Diplomacy at the University of Kentucky.

impairments, trauma and disabilities.<sup>11</sup> Furthermore, while demining and clearance operations have made significant headway in reducing deaths and injuries, a number of countries continue to experience significant civilian deaths and injuries years after the cessation of hostilities.

Primary victims of explosive ordnance, if they survive, are often left with life-long, potentially debilitating injuries that have multiple impacts across families and communities. While the wounds typically associated with different forms of explosive ordnance vary widely, the example of landmines is illustrative<sup>12</sup>:

- Stepping on an AP mine typically results in extensive bone and tissue damage requiring the amputation of one or both lower limbs, as well as injuries to the genitals and arms.
- Mines triggered near one or more victims typically cause numerous penetrating injuries in the legs, as well as head, chest, neck and abdomen trauma.
- Handling or tampering with a mine or explosive ordnance can result in severe upper limb injuries, often requiring amputation, and facial injuries, including burns, puncture wounds, deafness and blindness.

Most victims are rural poor, often living in isolated areas where health systems are typically weak or non-existent. This often means that injuries are not addressed in a timely manner, resulting in infection and consequent amputation or permanent ill health, with accompanying psychological trauma. A significant proportion of new casualties from AP mines are likely to result from risk-taking behaviour caused by poverty, such

as farming in mine-contaminated areas or scrap-metal collection.

Beyond the physical and psychological impact of injuries, victims suffer a number of social consequences, including removal and/or withdrawal from family and community life and reduced options for marriage, children, and economic self-sufficiency. Amputees are also especially vulnerable to discrimination in many societies, facing social stigmatization, rejection and unemployment.

In addition to these individual, family and community effects, the economic impact of explosive ordnance on post-war societies is also prolonged and severe. Societies face the direct costs of:

- Removal and disposal of explosive ordnance;
- Medical assistance for victims; and
- Risk education and risk reduction programmes.

Indirect costs can extend to:

- Reduced crop harvests, diminished access to water, and restrictions on the movement of animals due to land contamination;
- Delays or additional costs of infrastructure projects;
- Reduced labour force due to injuries and disabilities; and
- Reduced access by humanitarian relief organisations, resettlement agencies, and other human security initiatives.

Finally, explosive ordnance imposes varied environmental costs, forcing rural populations onto increasingly pressured ecosystems, leading to further degradation, or into the cities, contributing to overcrowding, unemployment and other urbanisation challenges.

## SECTION 2 ADDRESSING EXPLOSIVE ORDNANCE IN PEACE TALKS

*“Too often in the past, essential mine-related issues have either not been addressed at all in cease-fire agreements and peace accords, or addressed too late and inadequately. In the worst cases, they have been addressed in a way that did not take account of technical realities and raised unrealistic expectations, delaying the establishment of proper and effective mechanisms for the implementation of mine action programmes.”*

—UN Mine Action Service, (2003)<sup>13</sup>

As outlined above, explosive ordnance contamination poses multiple and direct threats to individuals and their communities, threatening security, health, development and community reconstruction. Furthermore, ordnance and explosives may be recycled into new use by groups who want to destabilise peace processes or pursue conflicts elsewhere. Actions to address uncontrolled explosive ordnance thus are a precondition for building lasting peace.

For these reasons, principles and guidelines for dealing with explosive ordnance have an appropriate place in peace agreements. Preventing further death, disability, and suffering from these weapons depends on the cooperation of parties to the conflict, international organisations with expertise in mine action and weapons removal, and the donor community—the very parties that peace processes can bring together to agree on meaningful solutions. Indeed, transparent and well-negotiated actions to address explosive ordnance problems may function as one (of several) entry-points for engaging conflict actors on constructive issues (see Box 2, “Confidence-building and peace-making in the Nuba Mountains”). These actions may well start prior to a final comprehensive political agreement, particularly in the case of so-called “frozen” conflicts. Action on explosive ordnance can function as powerful confidence-building measure, bringing parties together and contributing to enhanced cooperation towards agreement in other areas. Conversely,

A Kurdish farmer with a pile of live mortar grenades. © Panos/Frits Meyst





ill-advised and de-contextualised (even if well intentioned) actions may reinforce conflict dynamics and undermine peacemaking efforts.

Regrettably, inclusion of explosive ordnance issues in peace talks and agreements is far from routine. Indeed, the UN Mine Action Service (UNMAS) has observed: “Too often in the past, essential mine-related issues have either not been addressed at all in cease-fire agreements and peace accords, or addressed too late and inadequately. In the worst cases, they have been addressed in a way that did not take account of technical realities and raised unrealistic expectations, delaying the establishment of proper and effective mechanisms for the implementation of mine action programmes.”<sup>14</sup> For a sampling of peace agreements that contain clauses related to explosive ordnance, see Annex 2, “A selection of peace agreements addressing landmines, unexploded ordnance, explosive devices and related weapons.”

Encouragingly, mediators who want to tackle explosive ordnance around the negotiating table have at their disposal a growing normative framework on which to draw. At the legal level, a robust international regulatory framework exists related to explosive ordnance and assistance for survivors, with clearly-formulated obligations, standards and good practice. At the practical level, the UN system and international organisations have developed an increasingly integrated approach to what has come to be termed “mine action.” A skilled international community of practice exists, which includes UN organisations and NGOs that can be drawn upon in advisory, executive and other roles. There is also a pool of donors that are interested and experienced in supporting such activities.

### **The legal framework<sup>15</sup>**

A set of principles and norms for addressing explosive ordnance is emerging from international humanitarian law (IHL) and human security-driven campaigns to eliminate these weapons.

**Landmines:** The 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines (here referred to as the Mine Ban Treaty, MBT) prohibits States Parties from using, developing, producing, stockpiling or transferring AP mines, prohibits assistance for these banned activities, and requires that signatories destroy existing stocks, clear mined areas, and assist victims.<sup>16</sup> The MBT has 156 States Parties, while two signatories have not yet

ratified (the Marshall Islands and Poland). AP mine production and use has dropped dramatically over the last decade and trade has virtually ceased. However, 37 countries still remain outside the MBT, including 13 producing States.<sup>17</sup> A number of armed groups also use AP mines or mine-like IEDs. AV mines also remain legal to produce and use, but Amended Protocol II<sup>18</sup> to the CCW imposes certain restrictions on their use and transfer.

**Cluster munitions:** The 2008 Convention on Cluster Munitions (CCM) bans the use, production, stockpiling and transfer of cluster munitions, and requires destruction of stockpiled cluster munitions, clearance of contaminated land, and assistance to victims of these weapons. The CCM has been signed by 98 countries and ratified by ten. It will enter into force six months after the 30<sup>th</sup> ratification.

**Other explosive remnants of war:** In November 2003, signatories to the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons (CCW) adopted a new protocol, Protocol V, on Explosive Remnants of War (ERW). Protocol V requires parties to a conflict to remove or provide assistance for removing all types of unexploded and abandoned explosive ordnance (except mines) after conflict, to record and transmit information for this purpose, and to take measures to protect civilians from these weapons, including by providing warnings and risk education to affected communities. The Protocol also contains a provision for victim assistance. Since its adoption, 44 States have signed and ratified the Protocol, which entered into force in November 2006. The Protocol's rules will apply only to future conflicts. States already affected by ERW can seek assistance for addressing ERW issues, but it remains unclear whether States Parties will make Protocol V operational in dealing with the world's existing ERW problem.

**Survivors:** Survivor assistance is a field that in many respects was pioneered through the MBT—the first treaty to include a provision for providing assistance to the victims of a specific weapons system. Article 6 of the MBT calls for signatories “in a position to do so” to provide assistance for the care and rehabilitation, and social and economic reintegration of mine victims.<sup>19</sup> A similar provision was included in Protocol V of the CCW. These obligations are expanded on in Article 5 of the CCM, which contains the farthest-reaching victim assistance obligation so far included in a humanitarian law treaty. The Convention calls for States Parties

to provide age- and gender-sensitive assistance, including medical care, rehabilitation and psychological support, to cluster munitions victims, as well as to provide for their social and economic inclusion. The victim assistance obligation in the CCM was inspired by understandings and practice that had developed over the last decade in the MBT, as well as by the Convention on the Rights of Persons with Disabilities.

The Convention on the Rights of Persons with Disabilities, which was adopted in December 2006, entered into force in May 2008. It has been signed by 139 States and ratified by 58 so far. The Convention clarifies States' obligations to protect and promote the civil, cultural, economic, political and social rights of persons with disabilities. Specifically, Article 16 recognises that people with disabilities are at higher risk of violence, injury and abuse, and calls on States to take appropriate legal measures to “promote the physical, cognitive and psychological recovery, rehabilitation and social reintegration of persons with disabilities who become victims of any form of exploitation, violence or abuse, including through the provision of protection services.” Article 25 further asserts the need for the “highest attainable standard” of health services, noting gender-sensitive design and implementation. Similar commitments are enshrined in the UN World Programme of Action concerning Disabled Persons (UN GA 37/52) and regional plans such as those embodied in the African Decade of Persons with Disabilities (2000–2009).<sup>20</sup>

## The practical level

At the practical level, the UN system and international organisations have developed an increasingly integrated approach to what has come to be termed “mine action,” a set of activities and processes designed to be implemented in cooperation with conflict parties to comprehensively address explosive ordnance.<sup>21</sup> UNMAS serves as the UN focal point for all mine-related issues and activities; at the local level, it is responsible for providing mine action assistance in the context of humanitarian emergencies and peacekeeping operations.<sup>22</sup>

Mine action can act as a confidence-building measure between conflict parties (see Box 2, “Confidence-building and peacemaking in the Nuba Mountains,” and Box 3, “Engaging armed groups on anti-personnel mines”).<sup>23</sup> Agreement to tackle explosive ordnance as a humanitarian problem provides a potentially neutral platform from which parties can agree to meaningful measures, and further engage. Mine action can even

## Box 2

### Confidence-building and peacemaking in the Nuba Mountains

The Nuba Mountains are in the eastern part of what is now South Kordofan State, Southern Sudan, at the geographical centre of Sudan. Populated by a vast array of ethnic Nuba groups, the area was the site of widespread brutality during the second civil war between the Government of Sudan (GoS) and the Sudan People's Liberation Movement/Army (SPLM/A). SPLM/A-held areas of the mountains suffered from a 13-year blockade by the government, which excluded humanitarian aid. Clandestine airlifts and humanitarian monitoring eventually brought attention to the plight of the Nuba, and a ceasefire agreement for the area was secured in January 2002, six months prior to the first major agreement between the two parties to the conflict.<sup>25</sup> The agreement allowed UNMAS to start an initial mine/UXO clearance programme.

Subsequently, UNMAS provided funds to a Danish humanitarian NGO, DanChurchAid, to start a demining program in the area. Ten civilians from the GoS side and 10 SPLM/A members were initially selected for participation in a six-week demining course, during which they were required to live together. On completion of the course, they were tasked with working together to demine the road leading to and from their camp. The rationale was that since both parties would be using the road, they needed to trust each other. After the initial success of the pilot project, the demining programme grew larger, and many former combatants from both sides attended the basic course and engaged in demining together, building confidence between the parties—a concrete and tangible outcome of the ceasefire agreement.

Around the same time, unofficial talks were already taking place between the GoS and the SPLM/A in Geneva and Nairobi. I met with both sides to discuss the issue of explosive ordnance and both agreed to take action—though for different reasons. The SPLM/A saw that the landmines and booby traps in the area were affecting their own people and the GoS realised that this would be a good opportunity to attract the attention of the international community.

In September 2002, for the first time, the GoS and a SPLM/A delegation attended a Mine Ban Treaty meeting in Geneva. I was tasked by UNMAS to establish a tripartite memorandum between the UN, GoS and SPLM/A on the principle of demining. I spent the afternoon shuttling between both parties and at the end of the day both parties agreed on a text. This agreement proved to be a major breakthrough: although separate from the resulting ceasefire agreement the following month, it established the first precedent whereby both parties to the conflict felt comfortable enough to sit down together and put their signatures on the same piece of paper. It is not an overstatement to say that the final Comprehensive Peace Accord language on Disarmament, Demobilization and Reintegration, including clauses on joint demining activities, took its initial impetus from these early discussions on demining.

**Chris Clark** was the UN Senior Technical Advisor for Sudan, working with DanChurchAid under the umbrella of the United Nations Mine Action Service, during the North-South Sudanese peace talks .

serve as a focus of initial negotiations, building communication and trust between parties and promoting reconciliation as former opponents cooperate to remove explosive ordnance. Efforts to remove the risks of explosive ordnance thus should proceed as soon as possible once fighting has stopped, even in parallel to negotiations.

Taken collectively, the obligations found in IHL and the widely-accepted principles of mine action provide a range of measures to effectively address explosive ordnance. These can be broadly divided into two areas: weapons-focused measures and survivor-focused measures.

### Weapons-focused measures

The first and greatest practical challenge facing societies affected by explosive ordnance is that of clearance—the identification and removal or destruction of explosive hazards from a defined area, to a specified depth.<sup>24</sup> Most explosive ordnance is cleared manually, although machines and animals are used extensively to assist the operations. The process is time-consuming, arduous and often dangerous, and it is difficult to be certain that complete clearance has been achieved. The determination of the best clearance technique to use in any particular area will be affected by the types of explosive ordnance present, logistics, infrastructure, security, and national legislation and practices, as well as terrain and environment; consequently, clearance operations must be flexible and adaptable. Different mine action organisations also have their own opinions, for example of performance specifications for equipment.<sup>26</sup>

Weapons-focused measures that can be included in peace agreements include:

- Exchange of technical information;
- Reference to the application of the International Mine Action Standards (IMAS);
- Identification and marking of minefields, ERW, munitions stockpiles, etc.;
- Clearance of explosive ordnance;
- Ordnance stockpile destruction;
- Explosive ordnance risk education to help adults and children in affected areas understand the risks they face, recognize explosive hazards, and learn how to stay out of harm's way;
- Risk reduction strategies that reduce the need for populations to engage in activities that put them at

### Box 3

## Engaging armed groups on anti-personnel mines<sup>27</sup>

International policies and norms on weapons control are developed largely through consensus building and negotiation between States in regional and global forums, a process that all but excludes non-state armed groups. Legal instruments, in turn, are generally binding only on States that have adopted and ratified them through their national legislative bodies.<sup>28</sup> Because many armed groups often exist outside, and even oppose, official state structures, securing their adherence to arms control norms has presented a persistent challenge. But a number of recent initiatives have made progress in engaging non-State armed groups in norm-building around the use of explosive ordnance.

A local initiative is exemplified by the *Declaration for a Mine Free Kashmir*. Mine contamination extends along the so-called Line of Control between India and Pakistan, as well as elsewhere, inhibiting movement and limiting access to agricultural areas. In 2006, Kashmiri civil society pressure was already building to end insurgent attacks that endangered civilians. The ICBL capitalised on this local advocacy by supporting a process whereby political parties were urged to publicly declare their positions on landmine use. This in turn led to the Declaration, signed by political parties in early October 2007. Within weeks, with ICBL acting as interlocutor and facilitator, the United Jihad Council armed movement endorsed a similar *Declaration of a Total Ban on Anti-Personnel Mines in Kashmir*.<sup>29</sup>

An example of a national norm-building initiative is found in the *Rebel Group Declaration of Adherence to the International Humanitarian Law on Landmines*. Developed by Philippine Campaign to Ban Landmines in 2008, the instrument outlines applicable norms and undertakings under the MBT, Protocols II and V of the CCW and the customary IHL rules on landmines set out in a 2005 study by the International Committee of the Red Cross. The declaration allows groups to signal their willingness to observe restrictions applicable to explosive ordnance. As of February 2009, the *Rebel Group Declaration* has four signatories, all Philippine rebel groups.<sup>30</sup>

At the global level, the *Deed of Commitment for Adherence to a Total Ban on Anti-Personnel Mines and for Cooperation in Mine Action*, administered by the Swiss NGO Geneva Call, seeks to draw commitments from armed groups around the world. The Deed requires renunciation of the use of AP mines

as well as the destruction of AP mine arsenals and cooperation with any mine action activities, including victim assistance, and requests the signatory group to allow for inspection and verification missions. As of March 2009, the organisation has obtained the signatures of 36 non-state groups in 10 countries.<sup>31</sup> Only one group of the 36 has been proven to have violated the prohibitions on the use, production, acquisition or transfer of mines. Many have cooperated with the mine action, monitoring, and self-regulatory obligations of the Deed.<sup>32</sup> At least 16,000 stockpiled AP mines have been destroyed by non-state signatories (9,000 in Western Sahara alone).<sup>33</sup>

Beyond unilateral measures such as those outlined above, conflict parties can engage in bilateral or multilateral agreements, which have both legal as well as moral standing. Such agreements can sometimes be reached separately to other agreements. One such example, negotiated in The Hague in 1998, is the *Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law* between the Government of the Philippines and the National Democratic Front of the Philippines.<sup>34</sup> More commonly, however, conflict parties reach agreement on norms in the context of ceasefire and peace agreements. Recent examples are the May 2006 Code of Conduct between the Government of Nepal and the Communist Party of Nepal-Maoist and the subsequent November 2006 Comprehensive Peace Agreement, which commit the parties to neither use nor transport mines and to assist each other to mark and clear the landmines and booby-traps used during the war.<sup>35</sup>

AP landmine use by non-state armed groups has consistently fallen since 2004. However, while there has been a decline in the use of victim-activated explosive devices by armed groups, it appears there has been a reciprocal increase in the use of command-detonated devices, such as time-, suicide-, radio- or remotely-activated improvised explosive bombs. This may be in part due to the success of such tactics in Iraq, but probably also reflects sensitivity to use of AP mines (or mine-like victim-activated devices) due to various norm-building efforts, as well as lack of availability resulting from the fact that the majority of states have now joined the MBT and destroyed their stockpiles, effectively denying access to these weapons.<sup>36</sup>

See [www.genevacall.org](http://www.genevacall.org) and [www.icbl.org](http://www.icbl.org)



**Table 1 Focus on survivor assistance: key policy and activity areas<sup>37</sup>**

Intervention area	Activities
Emergency medical care	Training of health and community workers in first aid for traumatic injuries; development of an emergency response system (including supply of consumables and equipment, transport for rapid evacuation, etc.).
Continuing medical care	Surgery, pain management and general medical care.
Physical rehabilitation	Community-based rehabilitation networks; physiotherapy; occupational therapy; production and distribution of prostheses (pre- and post-prosthetic care), orthotics, mobility aids, wheelchairs, tricycles, etc.
Psychosocial support and social reintegration	Counselling, community-based peer-to-peer support, associations for people with disabilities, sport and other activities, access to education, etc.
Economic reintegration	Income-generating activities; individualised or small group micro-enterprise or micro-credit programs; training (groups, on-the-job training, academic education, etc.); job placement and development, etc.
Laws and public policies	Development and/or implementation of laws and policies to extend and safeguard the rights of people with disabilities, including survivors of explosive ordnance; dissemination of information (laws, policies, etc.) on the human rights and positive discrimination/inclusion approaches; awareness-raising to reduce stigmatisation and ostracism of people with disabilities; reparations.
Information management system	Injury surveillance systems; data collection; needs assessments (qualitative and quantitative information).

risk, for example by providing safe alternative sources of water, fuel and food until contaminated areas can be cleared; and

- Steps to eliminate the use, production, transfer and stockpiling of specific explosive weapons, such as landmines or cluster munitions.

Such measures should be guided by the principles and standards laid out in the MBT, the CCM, and the CCW (for a detailed outline, see Annex 3, “Norms and legal frameworks applicable to explosive ordnance”) and can be extended to included non-state as well as state actors (see Box 3, “Engaging armed groups on anti-personnel mines”).

In all such activities, cooperation and coordination—both at the international level and between international and local actors, including parties to the conflict but also civil society and community-based organisations—is vital and ought to be referenced in peace agreement texts. Importantly, weapons-focused measures can also be capacity-building exercises, as well as opportunities to reconfigure and/or strengthen civil-military relations. In almost all cases, clearance is a long-term proposition, and is ideally located within civilian structures.

## Survivor-focused measures

Survivor-focused measures include a range of steps to address the physical, psychological and socioeconomic impacts of explosive ordnance on affected individuals and communities. Too often, assistance to victims and survivors is not explicitly included in peace agreements and is considered to be a low priority, virtually assuring that victims go under-assisted. Ideally, assistance should span a range of short-, medium- and long-term activities to treat and rehabilitate victims of explosive ordnance (see Table 1, “Focus on survivor assistance: key policy and activity areas”). With mediators’ help, conflict parties can develop strategic frameworks for assistance to survivors in association with relevant national and local authorities, UN agencies and NGOs. For example, Sudan’s National Mine Action Centre South Sudan De-Mining Commission produced a five-year National Victim Assistance Strategic Framework in 2007.<sup>38</sup> The framework sets out the mission, vision, and values of victim assistance measures, strategic objectives, and expected outcomes. The document is an integrated component of the country’s overall National Mine Action Strategic Framework.

## SECTION 3 SUGGESTIONS FOR THE NEGOTIATING TABLE

Mediators, conflict parties, advisers, and donors face a wide range of issues and pressures during peace negotiations. With the alleviation of human suffering from war as a primary “peace process value,” those around the negotiating table can make great progress towards speedy and robust action to remove explosive ordnance.<sup>39</sup> The following suggestions are offered with that goal in mind:

- **Use tackling explosive ordnance as a tool for supporting dialogue.** Transparent and well-negotiated actions to address explosive ordnance may function as one (of several) entry-points for engaging conflict-actors on constructive issues. These actions may well start prior to a final comprehensive political agreement. Conversely, ill-advised and de-contextualised (even

if well intentioned) actions may reinforce conflict dynamics and undermine mediation.

- **The right actions for the right phase.** Each step in the peace process continuum can be a place for explosive ordnance to be addressed. At the cease-fire stage, it may be possible to open a dialogue on bringing in humanitarian agencies to treat and rehabilitate the wounded and to begin rapid identification of contaminated areas. It is probably not a time, for example, to discuss the government’s signing of the MBT, or the elimination of landmine stocks. Ensuring strategic prioritisation of these challenges is an area where mediators can be particularly instrumental.
- **Keep agreement language firm but open.** Parties should commit to all of the core elements of mine



A Protestant young man and child climb onto a railing in north Belfast, Northern Ireland, in front of a large Loyalist mural painted on the side of a building, October 2001. Decommissioning of IRA weapons had started in an attempt to further the peace process. © AP Photo/Adam Butler

action, including information sharing; clearance; stockpile destruction; victim assistance; and steps to eliminate the use, production, transfer and stockpiling of explosive ordnance. Reference to the International Mine Action Standards can be made with detailed modalities and timelines being left to implementing bodies in consultation with government, non-governmental and international actors.

- **Keep survivor assistance front and centre.** Assistance to survivors of explosive ordnance is often an area that parties let slip. To the extent that assistance is available and accessible to victims, it is often limited to medical care and physical rehabilitation services. Provisions for psychological support and socio-economic reintegration, such as access to education and employment, are often non-existent. Important to include in the texts of agreements is an affirmation of the principle of non-discrimination in services and strategies to ensure that all people with injuries and disabilities gain (or are at least not excluded) from any new services that may arise due to the provisions in the agreement.
- **Ascertain the priorities of the displaced.** In helping guide conflict parties towards addressing explosive ordnance removal and risk education, mediators can work to ensure that plans of action take into account the needs and concerns of displaced popu-

lations. For instance, clearing the built-up area of a town alone may not help displaced residents return to a normal life unless fields for agriculture are also cleared.

- **Explosive ordnance removal can aid reconciliation and rehabilitation.** Conflict parties can agree to extend training and employment in explosive ordnance removal programmes, as well as education programmes, to local citizens, particularly ex-combatants. This can provide a practical opportunity for former enemies to work side by side. Reducing the risks of explosive ordnance also offers opportunities for militaries and armed groups to “re-legitimise” themselves by working constructively towards peace and security.<sup>40</sup>
- **Allocate responsibility, ownership and burden-sharing.** The UN system, international organisations, NGOs and donors are heavily invested in assisting countries recovering from violent conflict address the consequences of explosive ordnance contamination, and mine action has become an increasingly coordinated and integrated practice. However, primary responsibility rests with the conflict parties who deployed the weapons initially. During peace negotiations, parties should be reminded that the burden lies with them to do everything in their power to remove the threats these weapons present.

## SECTION 4 FURTHER RESOURCES

Fafo Institute for Applied International Studies and Landmine Action (2009), *Peacebuilding and Humanitarian Mine Action: Strategic Possibilities and Local Practicalities*.

Geneva International Centre for Humanitarian Demining (2007), *A Guide to Cluster Munitions*, Geneva.

— (2007), *Land Release: A Guide for Mine and ERW-Affected Countries*, Geneva.

— (2007), *A Guide to Mine Action and Explosive Remnants of War*, Geneva.

— (2005), *Mine Action: Lessons and Challenges*, Geneva.

Available at [www.gichd.org](http://www.gichd.org)

Human Rights Watch (2008), *A Dying Practice. Use of Cluster Munitions by Russia and Georgia in August 2008*.

— and Landmine Action (2009), *Banning Cluster Munitions: Government Policy and Practice*, Landmine Monitor, Ottawa. Available at [www.hrw.org](http://www.hrw.org)

Handicap International (2005), *What Rights for Mine Victims? Reparation, Compensation: From Legal Analysis to Political Perspectives*, Paris.

— (2004), *Lessons Learned Workshop: A Review of Assistance Programs for War Wounded and Other Persons with Disabilities Living in Mine-Affected Countries*, Paris.

Available at [www.handicap-international.org](http://www.handicap-international.org) in French and English.

International Campaign to Ban Landmines

— *Landmine Monitor Reports* from 1999 to the present

— *Research Questions and Thematic Research Guide for Non-State Armed Groups*

— *Fact Sheets* on a range of thematic issues

Available at [www.icbl.org](http://www.icbl.org) (translations in numerous languages of key elements of the reports are also available).

International Committee of the Red Cross (2007), “The ICRC’s position on cluster munitions and the need for urgent action.” Available at [www.icrc.org/Web/Eng/siteeng0.nsf/html/cluster-munitions-statement-251007](http://www.icrc.org/Web/Eng/siteeng0.nsf/html/cluster-munitions-statement-251007)

King, Colin (2004), ‘The myths and realities of demining’, *US Foreign Policy Agenda*. Available at <http://usinfo.state.gov/journals/itps/0104/ijpe/king.htm>

McGrath, Rae (2000), *Cluster Bombs: The Military Effectiveness and Impact on Civilians of Cluster Munitions*, UK Working Group on Landmines.

UN Department of Economic and Social Affairs, the Office of the High Commissioner for Human Rights and the Inter-Parliamentary Union (2007), *Handbook for Parliamentarians on the Convention on the Rights of Persons with Disabilities and its Optional Protocol: From Exclusion to Equality, Realizing the Rights of Persons with Disabilities*.

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— (no date), *Humanitarian Perspectives to Small Arms and Explosive Remnants of War*, Geneva.

United Nations Mine Action Service (2008), *Glossary of Mine Action Terms, Definitions and Abbreviations*.

— (2007), *Existing Peace Agreements Containing Mine Action Clauses*.

— (2003), *Mine Action Guidelines for Ceasefire and Peace Agreements*.

Available at [www.mineaction.org](http://www.mineaction.org)

World Health Organisation (2003), *Mental Health in Emergencies: Mental and Social Aspects of Health of Populations Exposed to Extreme Stressors*.

— (2000) *Guidance for surveillance of injuries due to landmines and unexploded ordnance*.

Available at [www.who.int](http://www.who.int)

# ANNEX 1 ADDITIONAL TECHNICAL INFORMATION ON LANDMINES AND CLUSTER MUNITIONS

Landmines can be divided into two general groups: anti-personnel (AP) mines and anti-vehicle (AV) mines. Both require attention in peace processes, as they come under different regulatory regimes.

**Anti-personnel mines:** AP mines come in several varieties: blast, fragmentation, bounding, and directional fragmentation.<sup>41</sup> *Blast* mines are pressure-operated to detonate when stepped on (the fuzing mechanism typically requires pressure of between 20 and 50 lbs). The thin casing (often plastic but sometimes wood or metal) limits the fragmentation hazard; injuries from these weapons are not typically lethal, but can create impairment and disability through the typical explosions of materials through feet, legs, and lower abdomen. *Fragmentation* mines carry significantly more hazards. *Bounding* mines scatter fragments in all directions, while *directional fragmentation* mines such as claymores fire their fragments in a limited cone or fan-shaped pattern (individual fragments can be lethal at up to 100 metres). The majority of fragmentation mines are triggered by tripwires, and stake mines and claymores are normally placed above ground. Tripwires are extremely difficult to see and can activate mines with as little as 1-2 lbs. of pressure. In demining work, the detection of tripwires is particularly challenging.

**Anti-vehicle mines:** Most AV mines are designed to incapacitate heavily armoured vehicles; their power therefore makes them especially deadly to the occupants of both military and civilian vehicles. They can also kill at a far greater range because of the increased blast and “secondary fragmentation” that occurs when

nearby objects are hit. AV mines typically require a greater load than anti-personnel mines to trigger them, though large animals can be heavy enough to do so, killing any nearby people and livestock. If the AV mine is fitted with an anti-handling device, it can also be activated by unwitting or curious persons.

The destructive impact of both AP and AV mines depends not only on the type of mine and its explosive power, but also on how it is laid. Camouflage, concealment, stacking of multiple mines, booby traps and improvised linkages of separate mines all increase the likelihood of serious injury and death.<sup>42</sup>

**Cluster munitions:** Cluster munitions bomblets typically employ a high explosive warhead. They may also incorporate metallic fragmentation specifically intended to kill or injure people and damage materiel and a shaped charge to penetrate hard surfaces. Most modern bomblets are dual-purpose, combining anti-personnel and anti-armour features. Some bomblets also include an incendiary element. A significant challenge of cluster munitions from a security and development perspective is the rate at which they fail: bomblets frequently malfunction and fail to explode on impact. The condition of these “duds” or “blinds” is unpredictable, with some relatively stable and others fully armed and highly sensitive. Failure rates vary; for example, cluster munition contamination in Laos showed a failure rate of between 10 and 30 per cent.<sup>43</sup> It is not unusual for almost an entire container full of submunitions to fail. Duds are difficult to locate and represent a serious threat to civilian populations and economic activity for years to come.

# ANNEX 2 A SELECTION OF PEACE AGREEMENTS ADDRESSING LANDMINES, UNEXPLODED ORDNANCE, EXPLOSIVE DEVICES AND RELATED WEAPONS<sup>44</sup>

Country	Agreement	Terms
Angola	Cease Fire Agreement (1994)	<p>Cease fire entails cessation of:</p> <ul style="list-style-type: none"> <li>All military manoeuvres aimed at installing weapons with the capability to endanger the safety of settlements and the economic administrative and military infrastructures.</li> <li>The planting of new mines and actions aimed at impeding activities to deactivate mines.</li> </ul> <p>(Attachment I, Article II, clause 6)</p>
	Lusaka Protocol (1994)	<p>The government and UNITA agree to request UN to carry out demining operations, for which the parties will “provide all available information relating to mines and other explosives to help implement mine survey programmes, mine awareness and demining programmes.”</p>
Bosnia and Herzegovina	General Framework Agreement for Peace in Bosnia and Herzegovina (1995)	<p>Parties will cease the firing of all weapons and explosive devices (except as authorized by annex to agreement), including a cessation of laying mines. (Article II, Clause 2)</p> <p>Parties will remove, dismantle or destroy all mines, unexploded ordnance, explosive devices, demolitions and barbed or razor wire from [areas] which their forces are withdrawn.</p> <p>Parties will mark all known mine emplacements, unexploded ordnance, explosive devices and demolitions within Bosnia and Herzegovina and remove, dismantle or destroy all mines, unexploded ordnance, explosive devices and demolitions as required by the IFOR Commander. (Article IV, Phase 1, Clause 3(d))</p> <p>In occupied areas to be transferred to another entity, the removal, dismantling or destruction of equipment, mines, obstacles, unexploded ordnance, explosive devices demolitions and weapons shall take place. (Article IV, Phase 2, Clause 3(a))</p> <p>Parties will furnish Joint Military Commission information on the positions and descriptions of all known unexploded ordnance, explosive devices, demolitions, minefields, booby traps, wire entanglements and all other physical or military hazards. (Article V, Clause 1)</p> <p>Within 30 days of the Transfer of Authority, each party shall furnish the Joint Military Commission with information on the positions and descriptions of all mines, unexploded ordnance, explosive devices, demolitions, obstacles, weapon systems, vehicles, or any other military equipment which cannot be removed, dismantled or destroyed. (Article V, Clause 2(e))</p> <p>From 120 days after the Transfer of Authority, parties shall keep the Joint Military Commission regularly apprised of changes to the positions and descriptions of fortifications, minefields, unexploded ordnance, explosive devices, demolitions, barriers, and other man-made obstacles, and ammunition dumps. (Article V, Clause 3)</p> <p>Parties recognize that that IFOR shall have the right to monitor and clear minefields and obstacles. (Article VI, Clause 2(e))</p>

Cambodia	Framework for a Comprehensive Political Settlement of the Cambodia Conflict (1991)	<p>UNTAC will assist with clearing mines and undertaking training programmes in mine clearance and a mine awareness programme among the Cambodian people. (Annex 1, Section C, Article 1)</p> <p>Upon signature of the agreement, parties will immediately provide the UN with a detailed record of :</p> <ul style="list-style-type: none"> <li>Armed, ammunition, and equipment held by forces, and the exact locations at which those arms, ammunition and equipment are deployed. (Annex 2, Article 1, Clause 3(b))</li> <li>Minefields, including types and characteristics of mines laid and information on booby traps used together with any information about minefields laid or booby traps used. (Annex 2, Article 1, Clause 3(c))</li> <li>Total strength of police forces, organization, precise numbers and locations of deployments as well as comprehensive lists of their arms, ammunition and equipment and the exact locations at which those arms, ammunition and equipment are deployed. (Annex 2, Article 1, Clause 3(d))</li> </ul> <p>Annex 2, Article 9 is entitled 'Unexploded Ordnance' and states that:</p> <ul style="list-style-type: none"> <li>Soon after arrival in Cambodia, UNTAC shall ensure that all known minefields are marked.</li> <li>Parties will supply mine-clearance teams that will work under the supervision and control of UNTAC to assist in removing, disarming or deactivating remaining unexploded ordnance devices, and marking those that cannot be removed, disarmed or deactivated.</li> <li>UNTAC will conduct a mass public education programme in the recognition and avoidance of explosive devices.</li> <li>UNTAC will train Cambodian volunteers to dispose of unexploded ordnance as well as first-aid training.</li> </ul>
El Salvador	Peace Agreement (1991)	As of the date of the cease-fire entering into force, all military activity will cease, including the laying of mines. (Chapter VII, Article 5)
Ethiopia / Eritrea	Agreement on Cessation of Hostilities between Ethiopia and Eritrea (2000)	The Peacekeeping Mission, in conjunction with the United Nations Mine Action Service, will assist the Parties' demining efforts by providing technical advice and coordination. The Parties shall, as necessary, seek additional demining assistance from the Peacekeeping Mission. (Point 8)
Kosovo	Interim Agreement for Peace and Self Government in Kosovo (1999)	<p>Parties shall cease firing of explosive devices and not place any mines. (Chapter 7, Article 2, Point 2)</p> <p>By K-Day + 5 days, the Parties shall furnish COMKFOR with the positions and descriptions of all mines, unexploded ordnance, explosive devices, demolitions, obstacles, booby traps, wire entanglements, physical or military hazards to the safe movement of any personnel in Kosovo, weapons systems, vehicles, or any other military equipment. (Chapter 7, Article 7, Point 1d)</p>
Mozambique	General Peace Agreement for Mozambique (1992)	Parties agree not to lay mines or prevent mine-clearing operations. (Protocol VI, Section I, Point 5b)
Nepal	Comprehensive Peace Agreement concluded between the Government of Nepal and the Communist Party of Nepal (Maoist) (2006)	<p>Mining prohibited. (5.1.1.i.)</p> <p>Both sides shall assist each other by providing information as regards the location sketches and storage of ambushes and landmines used during the war time within 30 days and by defusing and destroying them within 60 days. (5.1.4.)</p>

Sierra Leone	Peace Agreement Between the Government of Sierra Leone and the Revolutionary United Front of Sierra Leone (1999)	Immediately upon the establishment of the Joint Monitoring Commission (JMC) provided for in Article II of the present Agreement, each party shall furnish to the JMC information regarding the positions and descriptions of all known unexploded bombs (UXBs), explosive ordnance devices (EODs), minefields, booby traps, wire entanglements, and all other physical or military hazards. The JMC shall seek all necessary technical assistance in mine clearance and the disposal or destruction of similar devices and weapons under the operational control of the neutral peacekeeping force. The parties shall keep the JMC updated on changes in this information so that it can notify the public as needed, to prevent injuries. (Part Four, Article XIX)
Sudan	Humanitarian Cease Fire Agreement on the Conflict in Darfur (2004)	Calls for the cessation of laying mines and to mark and sign any danger areas and mine fields.
	Agreement on Permanent Ceasefire and Security Arrangements Implementation Modalities (2004)	<p>Parties agree to cease laying of mines. (5.3.3)</p> <p>The parties shall provide maps and sketches showing their current dispositions before the declaration of the ceasefire. Such maps and sketches shall include (8.5):</p> <ul style="list-style-type: none"> <li>• Current dispositions including deployment and weapons sites. (8.5.1)</li> <li>• All necessary information about roads, tracks, passages, minefields, and command posts. (8.5.2.)</li> </ul> <p>To safeguard against the menace and hazards posed by landmines and unexploded ordnance, the Parties agree that (8.6):</p> <ul style="list-style-type: none"> <li>• The laying of mines, explosive devices or booby traps of whatever type shall be prohibited. (8.6.1.)</li> <li>• The Parties and forces under their control shall promptly provide on D - day to the Ceasefire Joint Military Committee (CJMC) all known information concerning the locations and descriptions of all minefields, unexploded ordnance, demolitions, booby traps and any other physical or military hazards which could affect the safe movement of persons, within the ceasefire zones. The Parties shall also promptly produce a plan to mark and signpost any danger areas and initiate this plan according to agreed priorities. (8.6.2.)</li> <li>• The Parties shall allow and facilitate cross-line de-mining activities, the repair and reopening of roads and the removal, dismantling or destruction of mines, unexploded ordnance and all other such hazards as described above immediately upon the signature of this agreement.</li> <li>• The Parties and forces under their control shall promptly provide to the CJMC information concerning the stockpiles of Anti Personal Mines. (8.6.3)</li> <li>• The Parties shall conduct de-mining activities as soon as possible, and in coordination with the UN Peace Support Mission with a view to create the conditions necessary for deployment of the UN Peace Support Mission and the return of displaced populations. (8.6.4)</li> <li>• The UN Peace Support Mission, in conjunction with United Nations Mine Action Office, will assist the Parties' de-mining efforts by providing technical advice and coordination. The Parties shall, as necessary, seek additional de-mining assistance and advice from the UN Peace Support Mission. (8.6.5)</li> <li>• The Parties shall establish by D Day + 30 Days two de-mining authorities (Northern and Southern) that shall work together and coordinate their de-mining activities and to work jointly in close cooperation with UN Mine Action Office. (8.6.6)</li> <li>• De-mining and decommissioning of military hazards are permitted (this shall be done in collaboration with other bodies referred to in 8.6 herein, according to agreed timetables and mechanisms, and under UN monitoring). (9.1)</li> </ul>



# ANNEX 3 NORMS AND LEGAL FRAMEWORKS APPLICABLE TO EXPLOSIVE ORDNANCE

## Main instruments

The main instruments of international humanitarian law applicable to explosive ordnance at this time are:

### Convention on Certain Conventional Weapons (CCW), Protocols II and V

Full text of the Convention and subsequent protocols in English, French, Spanish, Chinese, Arabic and Russian available at: [www.unog.ch/unog/website/disarmament.nsf/\(httpPages\)/BE5FA935703D981BC12571DE0062261C?OpenDocument&unid=4FoDEF093B4860B4C1257180004B1B30](http://www.unog.ch/unog/website/disarmament.nsf/(httpPages)/BE5FA935703D981BC12571DE0062261C?OpenDocument&unid=4FoDEF093B4860B4C1257180004B1B30)

Up-to-date list of all States Parties and signatories available at: [www.unog.ch/80256EE600585943/\(httpPages\)/3CE7CFC0AA4A7548C12571C00039CB0C?OpenDocument](http://www.unog.ch/80256EE600585943/(httpPages)/3CE7CFC0AA4A7548C12571C00039CB0C?OpenDocument)

### Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (Mine Ban Treaty, or MBT)

Full text of the MBT in English, French, Spanish, Chinese, Arabic and Russian available at: [www.icbl.org/index.php/icbl/Treaties/MBT/Treaty-Text-in-Many-Languages](http://www.icbl.org/index.php/icbl/Treaties/MBT/Treaty-Text-in-Many-Languages)

Up-to-date list of States Parties to the MBT available at: [www.icbl.org/index.php/icbl/Universal/MBT/Making-the-MBT-Universal](http://www.icbl.org/index.php/icbl/Universal/MBT/Making-the-MBT-Universal)

### Convention on Cluster Munitions (CCM)

Full text of the CCM in English, French, Spanish, Chinese, Arabic and Russian available at: [www.icbl.org/index.php/icbl/Treaties/CCM/Text-in-Many-Languages](http://www.icbl.org/index.php/icbl/Treaties/CCM/Text-in-Many-Languages)

Up-to-date list of States Parties to the CCM available at: [www.icbl.org/index.php/icbl/Universal/CCM/Making-the-CCM-Universal](http://www.icbl.org/index.php/icbl/Universal/CCM/Making-the-CCM-Universal)

## Summary of leading articles

The following, non-exhaustive, sections, clauses or articles within the preceding treaties may be particularly useful in drawing up responsibilities for parties to an armed conflict with regard to explosive ordnance, and may serve as references for peace agreements.

Treaty	Article/Section	Content
CCW Amended Protocol II	Article 3 (para. 2)	General restrictions on the use of mines, booby traps and other devices
	Article 9 (para.1–2)	Recording and use of information on minefields, mined areas, mines, booby traps and other devices.
	Article 10 (para.1–4)	Removal of minefields, mined areas, mines, booby traps and other devices and international cooperation.
	Article 12 (para.1–7)	Protection of UN peacekeeping, observation, humanitarian and fact-finding missions, missions of the International Committee of the Red Cross, and other humanitarian missions and missions of inquiry from the effects of mines, booby traps, and other devices through notification and/or removal.
	Technical Annex Article 1–4	1. Recording 2. Specifications on detectability 3. Specifications on self-destruction and self-deactivation 4. International signs for minefields and mined areas.
CCW Protocol V	Article 3 (para.1–4)	Clearance, removal or destruction of ERW.
	Article 4 (para. 2)	Recording, retaining and transmission of information.

	Article 5 (para.1)	Other precautions for the protection of the civilian population, individual civilians and civilian objects from the risks and effects of ERW.
	Article 6 (para.1)	Provision for the protection of humanitarian missions and organisations from the effects of explosive remnants of war.
	Technical Annex Article 1 and 2	<ol style="list-style-type: none"> <li>1. Recording, storage and release of information for UXO and AXO.</li> <li>2. Warnings, risk education, marking, fencing and monitoring.</li> </ol>
MBT	Article 1 (para. 2)	General obligations.
	Article 4	Destruction of stockpiled anti-personnel mines.
	Article 5 (para.1–2)	Destruction of anti-personnel mines in mined areas.
	Article 6 (para. 3)	International cooperation and assistance (victim assistance and mine risk education).
CCM	Article 3 (para.1–2)	Storage and stockpile destruction.
	Article 4 (para.1–3)	Clearance and destruction of cluster munition remnants and risk reduction education.
	Article 5 (para.1–2)	Victim assistance.

## Other relevant norms and agreements

### Convention on the Rights of Persons with Disabilities

Full text of the Convention available in English, French, Spanish, Chinese, Arabic and Russian at: [www.un.org/disabilities/index.asp](http://www.un.org/disabilities/index.asp)

Up-to-date list of States Parties to the Convention available at: [www.un.org/disabilities/default.asp?navid=18&pid=257](http://www.un.org/disabilities/default.asp?navid=18&pid=257)

### United Nations Security Council Resolution 1325 on Women, Peace, and Security

Full text of the Resolution available in English at: <http://daccessdds.un.org/doc/UNDOC/GEN/N00/720/18/PDF/N0072018.pdf?OpenElement>

Translation in 99 languages available at: [www.peacewomen.org](http://www.peacewomen.org)

### United Nations Security Council Resolution 1612 on Children and Armed Conflict

Full text of the Resolution available in English at: <http://daccessdds.un.org/doc/UNDOC/GEN/N05/439/59/PDF/N0543959.pdf?OpenElement>

# ANNEX 4 UNITED NATIONS MINE ACTION GUIDELINES FOR CEASEFIRE AND PEACE AGREEMENTS<sup>45</sup>

## Background

1. In countries and regions emerging from violent conflict, mine action is often a prerequisite to the return of refugees and Internally Displaced People (IDPs), humanitarian aid, reconstruction and development. It is therefore of critical importance that ceasefire agreements and peace accords properly address mine action concerns and provide an appropriate framework for the effective initiation and implementation of mine action activities.

2. Too often in the past, essential mine-related issues have either not been addressed at all in cease-fire agreements and peace accords, or addressed too late and inadequately. In the worst cases, they have been addressed in a way that did not take account of technical realities and raised unrealistic expectations, delaying the establishment of proper and effective mechanisms for the implementation of mine action programmes.

## Objective

3. This paper has been prepared to provide guidance to governments, organizations, and individuals involved in the negotiation and drafting of cease-fire agreements and peace accords. It aims to make them aware of the mine action concerns that need to be addressed, or at least considered, in such documents, and to help them draft appropriate references and clauses related to mine action.

## Key mine-related concerns to be addressed

4. In situations where landmines are a significant obstacle to the resumption of normal life and reconstruction, cease-fire agreements and peace accords should consider and address seven sets of core mine action activities, related to:

- The exchange of technical information between all former parties to the conflict
- The marking of minefields and the eventual clearance of mines and UXO
- Mine risk education
- Victim assistance
- Eliminating the use, production, transfer and stockpiling of mines
- Stockpile destruction
- International cooperation and coordination.

## Exchange of technical information

5. The parties to the conflict should commit themselves to exchanging all technical information required for the identification, location, marking and eventual clearance of mines, minefields and UXO. The technical information required should conform to the technical annex of Amended Protocol Two of the Convention on Certain Conventional Weapons (CCW) that is attached at annex two to this document, and should include maps and information regarding the specific types of unexploded ordnance that could be encountered. The parties should assist with the interpretation of the information exchanged, codes and symbols used in maps and other documents in particular, as well as their translation when required.

6. The agreements may designate the Secretary General of the United Nations, or another intermediary, to serve as the receiver of such information and facilitate the exchange process. Realistic deadlines should be set for the completion of the exchange of the information.

7. In many cases the available information may not be sufficient to allow for the safe implementation of mine clearance activities and survey operations will have to be conducted. In such instances the parties should commit themselves to facilitating unimpeded access to survey teams including flights for the purposes of aerial photography.

## **Minefield marking and mine and UXO clearance**

8. The parties to the conflict should commit themselves to actively supporting the identification, marking and eventual clearance of all minefields and UXO. Clear and realistic responsibilities and timelines should be defined in this regard, taking into consideration the technical capacities of the parties involved, and the need to ensure that operations are conducted effectively and safely, in accordance with the International Mine Action Standards (IMAS). All marking and clearance activities should be reported to the designated mine action authorities.

## **Mine Risk Education**

9. The parties to the conflict should commit themselves to actively identifying those people who are most at risk of suffering mine or UXO accidents and support the prompt development of Mine Risk Education (MRE) programmes, which seek to prevent or reduce occurrences of related deaths and injuries. MRE programmes should be undertaken within a rights-based framework, which recognizes the legal and moral obligation and accountability of states to the rights and needs of their peoples. Accordingly, MRE programmes should be integrated with appropriate peace-building activities.

## **Victim assistance**

10. The parties should commit themselves to providing assistance for the care and rehabilitation, and social and economic reintegration, of mine victims.

## **The use, production, transfer and stockpiling of antipersonnel mines**

11. The parties to the accord should commit themselves to immediately stopping the use, production, transfer and stockpiling of mines, especially anti-

personnel mines. For governments, this commitment should involve ratification of, or accession to the Antipersonnel Mine Ban Convention, attached at annex three. For Non State Actors, this could involve signing the “Deed of Commitment” deposited with the Government of the Republic and Canton of Geneva, attached at annex four.

## **Stockpile destruction**

12. The parties to the conflict should commit themselves to the total destruction of all stockpiles of landmines, anti personnel mines in particular, under their possession or control. Realistic deadlines for the destruction of stockpiles should be contained in the peace accord or cease-fire agreement. Stockpile destruction operations should respect all relevant IMAS.

## **International cooperation and coordination**

13. The parties to the conflict should normally commit themselves to inviting international cooperation for mine action. When necessary, the parties should agree to request international assistance through the United Nations or other organizations, to facilitate the safe and timely conduct of all mine action activities, in particular during the initial implementation phase of the agreement.

14. The parties should be encouraged to conduct mine action activities in response to clear humanitarian and socio economic needs so that priority is given to the most vulnerable.

**Note:** These guidelines have been endorsed by the Inter Agency Coordination Group on Mine Action (IACG-MA), which comprises the following UN bodies, DPKO, DDA, OCHA, FAO, OHCHR, UNDP, UNHCHR, UNHCR, UNICEF, UNOPS, WFP, WHO, and the World Bank.

# ENDNOTES

- 1 For more information see [www.hdcentre.org/projects/negotiating-disarmament](http://www.hdcentre.org/projects/negotiating-disarmament)
- 2 The full name of the Convention is The Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed Excessively Injurious or To Have Indiscriminate Effects.
- 3 The full name is the 1997 Convention on the Prohibition of the Use, Stockpiling, Production, and Transfer of Anti-Personnel Mines and on their Destruction.
- 4 More than 70 countries are affected by mine/explosive remnants of war (ERW) contamination. See International Campaign to Ban Landmines (2008), *Landmine Monitor Report 2008: Toward A Mine-Free World*, Landmine Monitor, Ottawa, p. 19.
- 5 Even though the technical definition of explosive ordnance includes nuclear, chemical and biological weapons, this paper focuses on conventional weapons only, since there are completely different legal instruments for conventional weapons and non-conventional weapons.
- 6 The Convention on Weapons (CCW) refers to such ordnance as “explosive remnants of war” (ERW). However, Protocol V of the CCW explicitly excludes landmines from this term, as they are covered by the Mine Ban Treaty. For this reason, this paper uses explosive ordnance.
- 7 Geneva International Centre for Humanitarian Demining (2007), *A Guide to Mine Action and Explosive Remnants of War*, p. 19.
- 8 According to Human Rights Watch, cluster munitions have been used by 14 states in 33 countries and disputed territories since the end of World War II. A total of 79 countries are believed to possess stockpiles of cluster munitions, including 31 signatories to the Convention on Cluster Munitions. See Human Rights Watch and Landmine Action (2009), *Banning Cluster Munitions: Government Policy and Practice*, Landmine Monitor, Ottawa.
- 9 See *Landmine Monitor Report 2008*, p. 21.
- 10 This number is by no means complete, as it only includes recorded casualties plus casualties Landmine Monitor was able to identify through the media. See *Landmine Monitor Report 2008*, p. 51.
- 11 For more on the various needs of those who survive with injuries see, amongst others, Handicap International; the Arms Unit of the International Committee of the Red Cross; and Survivors Corps, formerly the Landmine Survivors Network.
- 12 The three-fold typology of landmine injury patterns is drawn from Coupland, Robin and Adriaan Korver (1991), “Injuries from Anti-personnel Mines: The Experience of the International Committee of the Red Cross,” *British Medical Journal*, Vol. 303, No. 6816, pp. 1509–12.
- 13 UN Mine Action Service, (2003) *Mine Action Guidelines for Ceasefire and Peace Agreements*, p. 1.
- 14 Ibid.
- 15 See Annex 3, “Norms and legal frameworks applicable to explosive ordnance,” for links to full texts of all conventions and agreements and up-to-date lists of signatories.
- 16 *International Ban on Landmines*, ICBL, [www.icbl.org/problem/solution/ban](http://www.icbl.org/problem/solution/ban). The MBT follows on from Protocol II (1996) of the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons, which imposes more limited prohibitions or restrictions on the use of mines, booby traps and other devices.
- 17 See [www.icbl.org](http://www.icbl.org). In this text, all numbers of signatories and ratifications are as of March 2009.
- 18 Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices as amended on 3 May 1996.
- 19 A total of 25 signatories to the MBT have accepted that they have “the greatest responsibility to act, but also the greatest needs and expectations for assistance” in providing adequate victim assistance to survivors. This group of states is now referred to as the “VA25.” See ‘Victim Assistance’ in *Landmine Monitor* (2008), at [www.icbl.org/lm/2008/es/victim\\_assistance.html](http://www.icbl.org/lm/2008/es/victim_assistance.html)
- 20 See [www.africandecade.org](http://www.africandecade.org)
- 21 Mine action typically has three phases: a humanitarian phase in which the UN and international organisations predominate; a reconstruction phase in which the World Bank and 1-2 bilateral donor governments contribute; and a longer-term development phase in which the government takes control of the focus and direction of the effort, with assistance from donor governments.
- 22 United Nations Mine Action Service [www.mineaction.org/org.asp?o=3](http://www.mineaction.org/org.asp?o=3)
- 23 See Kristian Berg Harpviken and Rebecca Roberts (eds.) (2004), *Preparing the Ground for Peace: Mine Action in Support of Peacebuilding*, PRIO Report 2/2004.
- 24 Humanitarian mine action is codified by a set of international agreed standards called IMAS (International Mine Action Standards) developed by the UN and key mine action NGOs. See [www.mineactionstandards.org](http://www.mineactionstandards.org)
- 25 The full text of the agreement is available at [www.sudan.net/news/press/postedr/83.shtml](http://www.sudan.net/news/press/postedr/83.shtml)
- 26 Geneva International Centre for Humanitarian Demining (2005), *Mine Action: Lessons and Challenges*, Geneva, p. 86.
- 27 The authors appreciate the input into the development of this box of Nicolas Florquin, Africa Programme Officer, Geneva Call and Yeshua Moser-Puangsuwan, Research Coordinator (non-State Armed Groups) of the Landmine Monitor.
- 28 However, it is often argued that the Geneva Conventions are binding on all parties to conflict, whether state or non-state.

- 29 The text of these *Declarations* can be found in the report: International Campaign to Ban Landmines, *2006–2007 Kashmir Mission Report*.
- 30 See *Landmine Monitor* 2008, p. 585. Also ‘Philippines: Moro Islamic Liberation Front (MILF) and other groups sign pact with Philippines Campaign to Ban Landmines to adhere to international humanitarian law norms on landmines’, International Campaign to Ban Landmines, 11 November 2008. Available at [www.icbl.org/index.php/icbl/Library/News-Articles/Universal/milf\\_novo8](http://www.icbl.org/index.php/icbl/Library/News-Articles/Universal/milf_novo8)
- 31 See [www.genevacall.org/signatory-groups/signatory-groups.htm](http://www.genevacall.org/signatory-groups/signatory-groups.htm)
- 32 Geneva Call (2008), ‘Exploring Criteria and Conditions for Engaging Armed Non-State Actors to Respect Humanitarian and Human Rights Law’, Conference Report 4-5 June 2007, p. 114. Available at [www.genevacall.org/resources/testi-publications/gc-4-5jun07-conference.pdf](http://www.genevacall.org/resources/testi-publications/gc-4-5jun07-conference.pdf)
- 33 ‘Geneva Call Statement on Stockpile Destruction’, Ninth Meeting of States Parties to the Mine Ban Treaty, 27 November 2008. See [www.genevacall.org/resources/testi-reference-materials/testi-statements/gc-27novo8-9msp.pdf](http://www.genevacall.org/resources/testi-reference-materials/testi-statements/gc-27novo8-9msp.pdf)
- 34 See [www.sulongnetwork.ph/resources\\_files/carhrihl.pdf](http://www.sulongnetwork.ph/resources_files/carhrihl.pdf)
- 35 See [www.peace.gov.np/admin/doc/CPA\\_eng-ver-corrected.pdf](http://www.peace.gov.np/admin/doc/CPA_eng-ver-corrected.pdf)
- 36 ‘Outside the Treaty Not the Norm: Nonstate Armed Groups and the Landmine Ban’, in *Banning Landmines: Disarmament, Citizen Diplomacy, and Human Security*, Williams, J., Wareham, M., Goose, S. Eds., Rowman & Littlefield Publisher, 2008, p. 163.
- 37 See the *Guidelines for the Care and Rehabilitation of Survivors* developed by the ICBL Working Group on Victim Assistance, available at [www.reliefweb.int/rw/lib.nsf/db900SID/LGEL-5RNG49?OpenDocument](http://www.reliefweb.int/rw/lib.nsf/db900SID/LGEL-5RNG49?OpenDocument)
- 38 Available at [www.sudan-map.org](http://www.sudan-map.org)
- 39 See Slim, Hugo (2007), *A Guide to Mediation*, Centre for Humanitarian Dialogue.
- 40 Fafo Institute for Applied International Studies and Landmine Action (2009), *Peacebuilding and Humanitarian Mine Action: Strategic Possibilities and Local Practicalities*.
- 41 Geneva International Centre for Humanitarian Demining (2007), *A Guide to Mine Action and Explosive Remnants of War*, pp. 12–13; Geneva International Centre for Humanitarian Demining (2007), *Land Release: A Guide for Mine and ERW-Affected Countries*, p. 7.
- 42 See *Landmine Monitor Report 2008*.
- 43 Cave, Rosy, Anthea Lawson and Andrew Sherriff (2006), *Cluster Munitions in Albania and Lao PDR: The Humanitarian and Socio-Economic Impact*, UN Institute for Disarmament Research, p. 24.
- 44 Based on a review of US Institute for Peace, Peace Agreements Digital Collection; United Nations Mine Action Service (2007); and the HD Centre database of peace agreements.
- 45 Available at [www.mineaction.org/doc.asp?d=924](http://www.mineaction.org/doc.asp?d=924)