Armed Non-state Actors: Their Contribution to Solving the Landmine Problem

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Armed Non-state Actors: Their Contribution to Solving the Landmine Problem

This article presents some findings and lessons learned from a report on armed non-state actors’ involvement in mine action. The report shows that it is possible to engage in humanitarian mine action with NSAs. The main conclusion is that engaging NSAs in mine action has significant benefits since their involvement supports the implementation of the Anti-personnel Mine Ban Convention, to reduce the humanitarian impact of AP mines and unexploded ordnance.

by Anki Sjöberg [ Geneva Call ]

Armed non-state actors are currently involved as fighting parties in conflicts all over the world; hence, for a true universalization of the rules and principles of human rights and international humanitarian law, the involvement of NSAs must be considered. This is equally true for prohibiting the use of AP mines because NSAs currently employ these devices. As NSAs are part of the problem, any solution must include them.

This article presents some of the main findings of a 2006 report, Armed Non-State Actors and Landmines. Volume II: A Global Report of NSA Mine Action, which maps and analyzes mine action by NSAs. The report is the second part of a wider project, following the report of NSA Mine Action,3 which maps and analyzes mine action by NSAs. The report found that involved in some type of mine action, which was more than expected. The mine-action activities recorded were not entirely conducted by non-state actors. They were also performed by international organizations mandated by NSAs or conducted by independent local or international organizations facilitated by NSAs. There are important differences in the numbers of NSAs involved in the different mine-action pillars. The greatest numbers of NSAs were involved in activities related to mine-clearance efforts. Of these, 31 had signed Geneva Call’s Deed of Commitment, and at least an additional 14 had allegedly participated in mine-clearance efforts. The remaining 11 had not signed the Deed of Commitment, have reportedly provided assistance to civilians of landmine victims in 20 cases and have allowed or facilitated outside organizations to provide mine clearance assistance.

Thirty-one NSAs have participated in mine clearance and related activities. In 10 cases, these activities formed part of a mine-action program. The remainder participated on a spontaneous or ad hoc basis, involving activities such as clearing areas that were previously mined. The episodes are reported by the population on the request of the population and adopting policies to map the mines employed. Few NSAs have been directly involved in large-scale MRE programs; four groups were conducting mine-risk education programs themselves and 12 were facilitating projects or programs. NSAs engage more frequently in ad hoc MRE by providing information about mines to civilians (14 cases documented).

NSAs have reportedly directly provided assistance to civilians of landmine victims in 20 cases and have allowed or facilitated outside organizations to provide mine clearance assistance. While not always reported, it can be assumed that these NSAs generally provide their own combatant victims with assistance to the extent possible. Assessment of NSAs’ involvement in mine action and its advantages.

Generally, NSAs that have banned mines are more likely to be involved in mine action than groups that have not. Some mine-action practitioners (as well as Action 46 of the Nairobi Action Plan) suggest that there should be greater support for mine-action activities when the concerned NSAs have committed to a mine ban.

There are different reasons why NSAs become involved in mine action. Recurring themes are humanitarian and development concerns and self-interest. Community pressure is sometimes highlighted as a main factor. An NSA’s decision to engage in mine action could also be motivated by a combination of factors.

The primary benefits of mine action by NSAs are considered to be the same as those arising from other forms of mine action, i.e., principally humanitarian and developmental. Nevertheless, the complementary effects of mine action (employment and stability; peace-building; security and disarmament; and openness to discussing other humanitarian norms) are different, and these are often perceived to be as important as—or even more important than—the primary benefits of working with NSAs. In addition, the primary benefits for the population in an area controlled by or influenced by NSAs may be relatively more significant, given that these areas often greatly lack developmental and humanitarian activities.

The main factors that appear to make humanitarian mine-action organizations regard involvement by NSAs as necessary, rather than merely desirable, are:

- The group’s military training
- Its possession of information about the mines in the area (and possibly maps)
- Its links to the territory and the population
- The security and cost-effectiveness of working with these actors

Challenges, Tentative Solutions and Lessons Learned

The Armed Non-State Actors and Landmines. Volume II: A Global Report of NSA Mine Action showed it is possible to work with NSAs in humanitarian mine action, although various difficulties and challenges involved were identified. The following sections present some of the tentative solutions and lessons learned.

Need to understand and adapt to the political and conflict situation. The report found the need for flexibility and understanding of the circumstances in which mine action by NSAs takes place to be particularly important. This open-mindedness requires the situation be carefully analyzed in detail, taking into account local knowledge.

Although a ceasefire, or even a peace agreement, is a necessary condition for comprehensive mine-action operations, it is generally agreed that some mine-action opportunities may present themselves before the final truce. In fact, a step-by-step approach taking certain minimum actions may not only save lives, but also facilitates larger-scale mine-action activities following the cessation of hostilities.

Flexibility and adaptability are crucial features for security-related problems, a major concern for mine action involving NSAs. Mine-action organizations introduce new security procedures and use local guards to overcome such problems. Another possible solution, at least on a temporary basis, has been to work at a distance by training staff in a safer environment and undertaking other aspects of mine action that can be performed at a distance (e.g., certain parts of the mine-clearance process).

Need for cooperation by the concerned state. One of the main conclusions of a workshop on mine action in the midst of conflict held in Zagreb, Croatia, in 2005 related to the allocation of legal responsibility for mine action in areas under control by NSAs. It was found that States Parties to the Mine Ban Convention

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Landmines and unexploded ordnance cleared by a non-state actor.

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Such measures may also avoid unnecessary tensions between mine-action organizations and NGOs. Need for increased support. In general, mine-action practitioners have found third-party states and the international community quite supportive of mine-action efforts involving NSAs, although not sufficiently so. Third-party actors could make greater contributions in raising funds and pressurizing non-cooperating states. Both the financial and political aspects of support are crucial, however, despite the problems related to funding for NSA mine action, it has been argued some governments are only interested in supporting mine-action work with NSAs largely because of the expected peace-building gains. It has also been claimed that humanitarian actors themselves ought to make greater efforts to convince governments of the need for mine action and the humanitarian benefits it brings.

Need for confidence-building, commitment and cooperation. To work in difficult situations, mine-action practitioners need to build relationships of trust, not only with the NSAs, but also with the local communities and authorities. In some cases, a mine ban on behalf of the NSAs (such as the Deed of Oslo) can be used to ensure non-state actors’ cooperation with mine-action organizations. Since some NSAs have begun mine-action activities on their own before enrolling in international programs, this may facilitate the commencement of such programs. Mine-action issues should also be included (but not exclusively) in exploratory discussions and peace negotiations between governments and NSAs.

Implementing mixed demining teams (made up of NSAs and government forces), aimed at confidence and peace-building is likely to require communication among all parties and leadership by an independent NGO to facilitate the process. Need for transparency. One key practice to facilitate mine-action activities in difficult situations is transparency. By being open and clear about their activities, humanitarian actors can convince NSAs and concerned states of their neutrality in order to avoid accusations and restrictions of “spying.” In return, NSAs and the concerned state(s) also need to be transparent with humanitarian actors in order to resolve common problems with joint solutions.

Finally, the main parties (NSAs and states) should ideally be as forthcoming as possible with each other in terms of sharing relevant information about mined areas and the progress of mine-action activities.

Need for organization and coordination. When strong NGOs serve as implementing or intermediary agencies, the process works. The donors provide the funding to the NGOs, which works directly with the NSAs. It requires coordination, information-sharing and open communication among all the parties.

Need to involve the local communities. Mine-action practitioners are increasingly working with local communities, notably in so-called community-union roles. NSAs are sometimes part of these local communities. When NSAs are involved in humanitarian activities, it is especially important that mine-action practitioners deal with them by considering, consulting and including them in the execution of the mine-action program to avoid tensions between international/national and local efforts. In addition, involving NSAs in mine action is relevant to the issue of accountability, since the people who demine stay in the area afterwards and would therefore have a vested interest in the program’s success.

It can be beneficial to include affected communities in the processes of dialogue and negotiation with NSAs since their relationship with the NSAs allows them to communicate with the NSAs more openly about the issues at hand.

In conclusion, Armed Non-State Actors (NSAs) have considerable potential to contribute to mine action. As for the regular armed forces, the political situation and the NSAs link to the population determine whether:

• NSAs should be involved in mine action during or after armed conflict.
• It is more advantageous to work with demobilized rather than active NSA soldiers.
• Civilian actors are preferred.

Elements of Analysis

When considering involving NSAs in mine-action activities, there are some relevant parallels that can be drawn to the involvement of the regular military in mine action. As for the regular armed forces, the political situation and the NSAs link to the population determine whether:

• NSAs should be involved in mine action during or after armed conflict.
• It is more advantageous to work with demobilized rather than active NSA soldiers.
• Civilian actors are preferred.

Sensitive issues that need to be carefully considered in different conflict and post-conflict situations include:

• Whether the population trusts the NSAs.
• The nature of the relationships between the NSAs and other relevant

armed actors in the area.
• The possible outcomes of the actions.

Conclusion

In conclusion, Armed Non-State Actors and Landmines. Volume II: A Global Report of NSA Mine Action1 suggests it is possible to engage in humanitarian mine action with NSAs. Given the benefits of such engagement, it is important not to discriminate against populations in areas under the control or influence of NSAs, which, as compared to populations in areas controlled by a state, benefit less frequently from mine-action programs. The main conclusion of the research is that engaging NSAs in mine action has significant benefits, since their involvement supports efforts to reduce the humanitarian impact of landmines and unexploded ordnance. 

See Endnotes, Page 2

This article is drawn from a report produced by Geneva Call, Armed Non-State Actors and Landmines. Volume II: A Global Report of NSA Mine Action, which was published in November 2006. The report can be downloaded from Geneva Call’s Web site at http://www.genevacall.org/home.htm. Hard copies can be obtained by writing to info@genevacall.org.

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Footnotes

1 The Involvement of Armed Non-State Actors in the Landmine Problem: A Call for Action, Ar...