

The Case for a National Assessment on Landmine Contamination through NTS in Colombia

With a majority of Colombia's municipalities reporting landmine or ordnance incidents since 1990, there is an urgent need to perform non-technical survey (NTS) in the country to determine the remaining threat. Assuming liability for risk, however, slows the process. The authors make a case for proceeding with NTS

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Directions to a suspect hazardous area in Nariño (Antioquia).
Photo courtesy of UNMAS.

In December 2009, the mine action world turned its attention to the city of Cartagena, on Colombia's northern coast, host city for the Second Review Conference of the *Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction* (APMBC). In this idyllic setting, with the second highest number of new mine and explosive remnant of war (ERW) victims in the world, high level representatives of over 100 States Parties to the APMBC, the United Nations and other organizations came together to discuss the issue of landmines.¹

Colombia Requests Assistance

Amidst commitments to ending the suffering caused by mines came a request from the Colombian Vice President for international support in addressing the mine and ERW contamination that affects 30 out of 32 of the country's administrative departments.² The United Nations Mine Action Service (UNMAS), established in 1997 to serve as the U.N. focal point for mine action, was called upon for help. Since opening its doors in Bogotá in 2010, UNMAS has assisted the mine action sector and worked alongside the national capacity to fulfill its mine action responsibilities in line with the APMBC. Nonetheless, a critical concern remains: The true scope and impact of landmine contamination in Colombia remains unknown.

Reported Contamination Incomplete

Since 1990, 771 of Colombia's 1,122 municipalities (69 percent) have reported incidents involving mines, improvised explosive devices or other explosive ordnance. At present, less than 20 municipalities have been examined through NTS under the guidance of the National Mine Action Coordination Center, also known as *Dirección para la Acción Integral contra Minas Antipersonal*. The incomplete data currently contained within the Information Management System for Mine Action (IMSMA) database effectively hinders public investment and national initiatives such as the Colombian Land Restitution



The non-technical survey team interviews a local villager in Nariño (Antioquia).
Photo courtesy of UNMAS.

Program (*Programa Restitución de Tierras Despojadas*), relocation of internally displaced people and development projects in rural areas, affecting vulnerable communities across the country.

The Solution: NTS

UNMAS identified an urgent need for a national assessment of landmine contamination (phased, if needed, to address security concerns) and believes NTS should be used to establish this baseline. NTS is a low-impact, non-intrusive, community-based activity where small teams of trained and accredited Colombians visit villages inquiring about landmine concerns. The information gathered is mapped and can either confirm existing suspicions, cancel information where suspicions were unfounded or uncover previously unknown threats. Areas can be marked accordingly and communities informed of the exact location of hazardous areas.

Based on experience in other countries, UNMAS advocates for NTS in Colombia to gather information about landmine contamination and facilitate prioritization of demining assets to affected areas. Because the scope of contamination is unknown, current assignment to demining operators can result in clearance of areas low in socioeconomic and

humanitarian impact. As of today, the historical data contained in the IMSMA database (single events, not areas nor polygons) has been flawed, fostering the need for an urgent update with accurate and verified information. A national diagnostic assessment through NTS would establish the necessary baseline for informed and prioritized task assignments for operators, aligning them with the government's strategic priorities. Furthermore, the international community would be more interested in funding projects that will have high impact on affected communities.

UNMAS also advocates strongly for a NTS that would reduce the frequency of mine accidents by providing accurate information about the location of hazardous areas to government planners and affected communities. Indeed, NTS would enable effective risk-mitigation measures such as the demarcation of minefields and delivery of mine risk education (MRE) to populations living close to contaminated spaces.

There is a difference in the speed with which NTS can be performed relative to manual clearance. The HALO Trust estimates that with current regulations, their NTS teams have the capacity to survey between five and 10 municipalities in 2015 (and with more efficient regulations, perhaps 15 to 20), yet the organization may not be able to clear all hazardous

areas in more than one municipality immediately after the survey due to capacity constraints and the time-consuming nature of manual demining.

From August 2013 through October 2014, with funding from UNMAS and the European Union, The HALO Trust conducted NTS in five municipalities of Antioquia department, finding that 78 percent of records in the IMSMA database should be cancelled and that 87 percent of the 61 hazardous areas found resulted from new information gathered during survey, previously unknown to the national authority. The Colombian Humanitarian Demining Battalion has reported similar findings. These results demonstrate that NTS has the potential to eliminate suspected landmine contamination, enabling the government and communities to release large swaths of land previously blocked for investment and development, while precisely defining the extent of the threat.

Risk Responsibility

Two contradictory legal arguments surfaced recently, challenging the idea of establishing a national baseline through NTS. The first suggests that knowing the location of landmines in areas where clearance cannot follow NTS immediately would increase the liability of the State and hold it responsible should an accident occur (*posición de garante*—as outlined in the Colombian constitution). Essentially, this notion assumes that ignorance of the precise coordinates of landmine contamination is preferred unless mines can be destroyed immediately. The second position argues that civilian demining organizations would be liable for any accidents in hazardous areas identified during NTS before clearance can occur. Both of these legal perspectives prevent the establishment of a baseline and sup-

port the view that not knowing about the contamination is best.

A Step Forward

UNMAS recognizes that Colombia has demonstrated its goal of extending all reasonable efforts to mitigate and destroy landmine threats to civilians. The government established a comprehensive framework on humanitarian demining led by a national authority based on respect for the APMBC, the International Mine Action Standards, national standards and best practices known internationally. Colombia is adopting a thorough accreditation process and quality management system; seeking assistance from international agencies with experience such as UNMAS, the Organization of American States and international demining organizations with recognized expertise. UNMAS also understands that though liability is a legitimate concern, further efforts at identifying hazardous areas based on NTS; warning communities through demarcation of confirmed hazardous areas and provision of MRE; prioritizing demining activities; affording maximum impact; and reducing the number of new victims offer a great opportunity for improved efficiency and effectiveness of mine action efforts within Colombia and is certainly more legally defensible than selective ignorance.

With a need to release land previously barred from public investment and development due to a lack of understanding of the mine threat, UNMAS asks that current legal opinions be reconsidered by the government and practical solutions supportive of NTS be developed, ultimately helping Colombia maintain its commitment to the APMBC and rid it of the scourge of landmines and ERW. ©

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