

# Journal of Conventional Weapons Destruction

---

Volume 15  
Issue 2 *The Journal of ERW and Mine Action*

Article 3

---

July 2011

## We Can Only Be “Mine-Safe” When We Are “Mine-Free”

Tamar Gabelnick  
*International Campaign to Ban Landmines*

Follow this and additional works at: <https://commons.lib.jmu.edu/cisr-journal>



Part of the [Other Public Affairs, Public Policy and Public Administration Commons](#), and the [Peace and Conflict Studies Commons](#)

---

### Recommended Citation

Gabelnick, Tamar (2011) "We Can Only Be “Mine-Safe” When We Are “Mine-Free”," *The Journal of ERW and Mine Action* : Vol. 15 : Iss. 2 , Article 3.

Available at: <https://commons.lib.jmu.edu/cisr-journal/vol15/iss2/3>

This Article is brought to you for free and open access by the Center for International Stabilization and Recovery at JMU Scholarly Commons. It has been accepted for inclusion in Journal of Conventional Weapons Destruction by an authorized editor of JMU Scholarly Commons. For more information, please contact [dc\\_admin@jmu.edu](mailto:dc_admin@jmu.edu).

# We Can Only Be “Mine Safe” When We Are “Mine Free”

Despite the fact that the *Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction* makes no mention of the term “mine safe,” it is still a frequent term used by mine-contaminated states. However, the International Campaign to Ban Landmines maintains that in order for states to be safe from the dangers posed by mines, all mined areas must be cleared—not only those areas which are deemed to pose an immediate threat.

by Tamar Gabelnick [ International Campaign to Ban Landmines ]



Deminers walk over land cleared of mines during a ceremony to hand land over to a local community in Yemen (2007).  
Photo courtesy of Jackie Hansen.

In January 2011, Sri Lanka experienced its heaviest rainfall since 1917, bringing landmines and unexploded ordnance back into areas previously surveyed, partially cleared and deemed “safe” for populations to return.<sup>1</sup> These populations are again at risk from injury according to the Sri Lankan Army, a risk that could have been avoided if all mined areas had been cleared rather than only high-impact regions.

This example is just one of many reasons that the ICBL has insisted on the need for mine-affected states to fully clear all mined areas, not just those deemed to pose an immediate threat to the local population. Twelve years after the *Convention on the Prohibition of the Use, Stockpiling, Production*

*and Transfer of Anti-Personnel Mines and on their Destruction* (also known as the Anti-personnel Mine Ban Convention or APMBC) entered into force, some mine-affected states (both States Parties and others) maintain that reaching such a goal is neither possible nor necessarily a desirable end state. The ICBL strongly disagrees.

## The Article 5 Framework

Article 5 of the APMBC requires States Parties to “make every effort to identify all areas under [their] jurisdiction or control in which anti-personnel mines are known or suspected to be emplaced” and “to destroy or ensure the destruction



Demining activities in Albania. Albania declared completion of its Article 5 obligations in 2009.  
Photo courtesy of the author.

of all anti-personnel mines in such areas as soon as possible but not later than ten years after joining the treaty.<sup>2</sup> This does not mean that states must search every square meter of their land in order to find and destroy the last mine. However, it does mean that reaching a “mine safe” or “impact free” state is not good enough. Instead, states must do their best to accurately identify mined areas through Non-technical and Technical Survey, and subsequently ensure those areas are cleared of all mines—reaching what we call a mine-free state. Even for mine-affected states that are not parties to the convention, this simple and clear Article 5 framework should—and in many cases does—guide their efforts to address their mine problem.

As we move along collectively in our fight against landmines, we should not abandon the goal of a mine-free world in favor of a lesser standard. Even when high- and medium-priority areas are completed, mine action must continue until all known mined areas are cleared. Reasons to continue demining range from legal and moral imperatives to enabling economic land development, building confidence among neighboring states and preventing reuse of buried mines. Two of the principal reasons why mine-safe or impact-free are insufficient are described briefly in this article.

### Completely Safe, for All Time

As shown by the Sri Lankan example, one reason all mined areas need clearing is because while mine contamination might be a finite problem, it is not necessarily a static one. Mines can be displaced over time due to rain, flooding, mudslides or other climatic factors. Populations may seek to move into hazardous areas due to demographic pressures, a search for fertile land, displacement or to return home after conflict. States can never be sure that no one will walk through what they consider a remote contaminated area. As Croatia explained at the APMBC’s intercessional Standing Committee meetings in June 2005, “For all of us to be mine-safe, we must become mine-free.”<sup>3</sup>

In the last year alone, several natural disasters have led to landmines being displaced to previously uncontaminated areas and threatening civilian lives. In June 2010, the Bosnia and Herzegovina Mine Action Center warned its citizens that mines had moved from marked mined areas due to floods and landslides in the north.<sup>4</sup> Then, in early August 2010, North Korean landmines drifted along streams between North and South Korea due to heavy rainfall, causing the death of one man and injuring another.<sup>5</sup> In mid-August, 2010, the Dera Ismail Khan region of Pakistan was “devastat-

ed by floods, which dislodged mines and UXO that injured five civilians in three separate incidents.”<sup>6</sup>

Some states might not think there is a need to clear seemingly remote or uninhabited places because of an expectation that no one will cross or use such land. Yet many situations occur where people wander into isolated places or move into previously unpopulated areas. Some casualties in Croatia, for example, were reported on islands where tourists were not expected to travel. People often go into marked and fenced areas accidentally or even intentionally, proving that marking and fencing is not a sufficient long-term solution. Information obtained under the United Kingdom Freedom of Information Act showed that many people, including several local children and tourists, have wandered into mined areas in the Falkland/Malvinas Islands over time, escaping disaster through luck alone.<sup>7</sup>

### A Legal Commitment for the Majority

A second key reason that all States Parties to the APMBC must clear all mined areas is their legal responsibility under the convention. The APMBC has no exemption for areas that pose no immediate threat to the population, nor does it differentiate in any other way among mined areas, definitively stating they must all be cleared as soon as possible. Further, while authorities should prioritize clearance of high- and medium-impact areas, as Norwegian Ambassador Steffen Kongstad emphasized: “Let there be no mistake, all mine-affected state parties are obliged to clear all mined areas ... Only mine-free is acceptable.”<sup>8</sup>

The United Kingdom tried during the 1997 negotiation of the APMBC to include an exception for areas without a demonstrated impact on the population, but this was rejected in favor of

Article 5’s unequivocal language. In 2008, the U.K. again tried to use similar arguments to justify a virtually open-ended extension to its Article 5 deadline, receiving strong criticism from a significant number of states. Instead, the U.K. agreed to begin immediate clearance of the Falkland/Malvinas Islands, though the pace to date has been exceedingly slow.

In many other instances, States Parties have reaffirmed the need to fully meet the obligations of Article 5, noting for example during the 7<sup>th</sup> Meeting of the States Parties that “at least two States Parties [previously] referred to their end state under Article 5 obligations as ‘impact-free’ or having no new victims, terms which are neither in the convention nor consistent with [APMBC] obligations.”<sup>9</sup> This notion that neither mine-safe nor impact-free could be equated to full treaty compliance has been repeated in several other progress reports.<sup>10</sup>

### Mine-Free, an Achievable Goal

Reaching a mine-free state may be time-consuming and expensive, but it is an achievable goal over the long term, especially with recent improvements in surveying efficiency and reinforced calls for sustained international cooperation and assistance. States are now encouraged to use all techniques—including Non-technical and Technical Survey—to release suspected hazardous areas, leaving the deployment of full clearance assets to accurately defined mined areas. Such efforts are helping to avoid spending time and resources on clearing land with no contamination and to speeding up the release of land in general.

In addition, while mine-affected states bear the ultimate responsibility for mine clearance, the right to receive international cooperation and assistance under Article 6 of the APMBC shows they are not meant to deal with



INTERSOS deminers inspecting marked land outside Sarajevo, Bosnia and Herzegovina (2005).  
Photo courtesy of the author.

this challenge on their own. The ICBL believes that virtually all states are in a position to contribute in some way, for example by providing technical assistance or sharing expertise. The strong demand for continued international support for affected states led to the creation of a new Standing Committee on Resources, Cooperation and Assistance in 2010, with the goal of exploring new and more efficient ways of mobilizing and using resources.

Some states’ efforts to carry out mine clearance will outlast the initial 10-year deadline, in which case they are allowed to seek a deadline extension. For states with extensive mine contamination, it is also crucial to develop the capacity to tackle the problem at the national level in order to ensure programs can be sustained for as long as is necessary. This will help states keep a residual capacity to respond quickly to mines found occasionally after all known mined areas are cleared. ♦

See endnotes page 80



Tamar Gabelnick is the Policy Director for the International Campaign to Ban Landmines-Cluster Munitions Coalition. ICBL, a 1997 Nobel Peace Prize laureate, is a global network of advocacy organizations, mine-clearance operators, victim-assistance organizations and dedicated individuals working in more than 90 countries toward the goal of a mine-free world. Gabelnick works with States Parties of the APMBC, U.N. agencies, non-governmental organizations, and other partners to pursue the convention’s full and timely implementation. She has previously worked on conventional-arms-export policy in Washington, D.C., as a Human Rights Officer with the United Nations in Croatia and at NATO in Brussels from 1992–95. She has a Masters in Public Affairs from the Woodrow Wilson School at Princeton University.

Tamar Gabelnick  
ICBL-CMC Policy Director  
International Campaign to Ban  
Landmines-Cluster Munitions Coalition  
9 Rue de Cornavin  
1201 Geneva / Switzerland  
Tel: +41 22 920 0320  
Fax: +41 22 920 0115  
Mobile: +41 79 470 1145  
E-mail: tamar@icblcmc.org  
Website: http://icbl.org