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An Analysis of MRE Provisions in Recent MA-related Conventions

by Gustavo Laurie [United Nations Mine Action Service]

A trend in the international community regarding explosive remnants of war and mine action is the incorporation of mine-risk education, highlighting the effectiveness of the process as a tool to avoid accidents. MRE as a concept is an appropriate course of action for mine-affected countries, and thus is included in the most influential provisions and conventions.

Mine-risk education, mine awareness and risk-reduction education refer to a set of activities aimed at reducing the risks for people, especially civilians, of becoming victims of landmines and explosive remnants of war. It is difficult, if not impractical, to define the differences between each of these terms as the three concepts are based on the same principle. Mine awareness and MRE are generally regarded as the same thing. Only MRE has thus far found a definition within the International Mine Action Standards, the standards in force for all U.N. mine-action operations. According to the IMAS, MRE refers to “activities which seek to reduce the risk of injury from mines and ERW by raising awareness and promoting behavioural change, including public information dissemination, education and training, and community mine action liaison.”¹



A female instructor leads a landmine-awareness class with a group of Kosvar refugee children.
Photo courtesy of UNICEF/HQ99-0506/Jeremy Horner

MRE as an identifiable pillar in mine action has developed since the origin of mine action and has continued evolving. The Ottawa Convention was put into force in 1999 and during the first few years following its inception, MRE—known then as mine awareness—was addressed by the same Standing Committee dealing with victim assistance. Three years later, MRE was added to the agenda of the Standing Committee on mine clearance.

Activities falling within the IMAS definition of MRE are identifiable in a number of legally binding international instruments relevant to mine action. This set of conventions includes two produced during the 1990s, notably Amended Protocol II to the Convention on Certain Conventional Weapons and the Anti-Personnel Mine Ban Convention (Ottawa Convention). More recently, two new mine-action treaties have been negotiated: Protocol V to the CCW Convention on explosive remnants of war and the Convention on Cluster Munitions.

This paper aims to analyze MRE-related language contained in the conventions that are relevant to mine action, specifically within the two most recent convention instruments: Protocol V and the CCM. It also aims to provide national authorities and field-based mine-action practitioners with guidance and information on MRE-related obligations contained under the respective treaties. Nevertheless, this review will start with a brief overview of several relevant provisions in Amended Protocol II and the AP Mine Ban Convention.

An Evolving Understanding of MRE

While still not referred to directly as MRE, this pillar of mine action is discussed in some provisions of APII. This treaty includes provisions on feasible precautions to protect civilians through the installation of signs and “warning activities.”



A female teacher participates in an awareness training session in Kabul, Afghanistan, 2003
Photo courtesy of UNICEF/HQ03-0154/Shehzad Noorani

The negotiators in this instance were not only referring to those warnings at the time of the use of weapons, but also to awareness campaigns that could take place for the duration of the minefield's existence. With regard to the signs, the Technical Annex to APII details how they should be used and what the signs should look like. Their aim is to prevent the presence of civilians within minefields and mined areas.

The APMBC makes only one direct mention of MRE, referring to it as mine awareness. The Ottawa Convention's reference is contained in Article 6 on international cooperation and assistance, which says that States Parties may request assistance in the elaboration of a national demining program to determine, *inter alia*, "Mine awareness activities to reduce the incidence of mine-related injuries or deaths."

There are other provisions in the APMBC that could be linked to MRE. For example, Article 5 establishes that States Parties must

ensure the effective exclusion of civilians from mined or suspected hazardous areas until all anti-personnel mines are destroyed. Also, Article 7 provides for the obligation to report, among other issues, on what steps have been taken to warn the population of immediate landmine dangers.

While no other direct or indirect reference is made to MRE in the APMBC, it is fair to highlight here that the deliberations on MRE within the context of the meetings of States Parties and of the Ottawa Convention Standing Committees created by them have contributed in a crucial manner to expanding and developing a common understanding on the content and objectives of this mine-action pillar.

The First Review Conference also adopted the document "Ending the Suffering caused by Anti-Personnel Mines: Nairobi Action Plan 2005–2009," better known as the Nairobi Action Plan. A number of actions included in the Plan are relevant to MRE, notably actions 20, 21 and 23.

MRE in CCW Protocol V

Protocol V establishes post-conflict measures to minimize the risks and effects of ERW. It also includes the best practices, which are contained in a non-binding Technical Annex.



Mine-risk education in Democratic Republic of the Congo.
Photo courtesy of Arne Hodelic

Article 4 on recording, retaining and transferring information on the use or abandonment of explosive ordnance states that the objective of recording and retaining this information is to "facilitate the rapid marking and clearance, removal or destruction of explosive remnants of war, risk education and the provision of relevant information to the party in control of the territory and to civilian populations in that territory."² Later, this same article says that this information should be provided to those conducting risk education, clearance, removal or destruction activities. ^Â

Risk education is again mentioned in Article 5, titled "Other Precautions for the Protection of the Civilian Population, Individual Civilians and Civilian Objects from the Risks and Effects of ERW."

The Technical Annex to Protocol V specifies that all programs of warning and risk education "should take into account prevailing national and international standards, including International Mine Action Standards."³ By the time of the adoption of Protocol V,

UNICEF had already completed the MRE IMAS, officially adopted in 2004.

Article 8, on assistance and cooperation for future ERW, addresses more specifically the issue of assistance for risk education. Risk education should consist, as mentioned in Part 2 of the Technical Annex, "of risk education programmes to facilitate information exchange between affected communities, government authorities and humanitarian organisations so that affected communities are informed about the threat from explosive remnants of

war.”³

Other interesting aspects of MRE the Technical Annex addresses include the following:

- Programs should comprise civilians living in or around areas containing ERW, but also those who transit such areas (for example, internally displaced people or refugees).
- MRE should be provided as soon as possible, depending on the context and the information available.
- MRE programs to affected communities should replace warning programs as soon as possible.
- Parties to a conflict should employ third parties such as international organizations and nongovernmental organizations when they do not have the resources and skills to deliver efficient risk education.
- Parties to a conflict should, if possible, provide additional resources for risk education, including logistical support, risk-education materials, financial support and general cartographic information.

The First Conference of States Parties to Protocol V (Geneva, 12 November 2007) adopted recommendations aimed at promoting an effective national implementation of the Ottawa Convention. Some of the reporting forms this conference approved (i.e., forms C and D) refer specifically to Articles 5 and 6 of Protocol V, which, as mentioned above, are relevant to MRE. Some of the national reports ERW-affected countries have submitted so far used Form C as a means to report on MRE programs and activities.⁴

Convention on Cluster Munitions

The recently signed Convention on Cluster Munitions uses the term *risk reduction education* instead of *MRE* in its text. This term seems to be gaining momentum, but it is not defined either in the CCM or in the IMAS. It is mentioned in the Preamble of the CCM when referring to the Declaration of the Oslo Conference on Cluster Munitions (23 February 2007), which started the process for the negotiation of the CCM.

The title of Article 4 is “Clearance and Destruction of Cluster Munitions Remnants and Risk Reduction Education,” which is the first time MRE is recognized in the title of an article in any of the mine-action-related conventions.⁵ Paragraph 2 in Article 4 states that in fulfilling their clearance obligations States Parties shall take, as soon as possible, a series of measures, including: “(e) Conduct risk reduction education to ensure awareness among civilians living in or around cluster munition contaminated areas of the risks posed by such remnants.”⁶



A young boy walks the street in Colombia wearing a T-shirt with the message “No more anti-personnel mines.”
Photo courtesy of UNICEF/HQ04-0747/Fernando Martinez

With regard to MRE, the CCM goes further than previous conventions by including additional provisions on this pillar under other articles when referring to the development of national action plans and to reporting obligations. Paragraph 11 in Article 6, for example, recognizes the right of affected states, with the purpose of developing their national action plans, to request support to determine, among other things, risk-reduction-education programs and awareness activities.

While the wording in the CCM may create some confusion between the terms *warning*, *awareness* and *RRE*, these distinctions may present more of an issue for a future academic discussion than a real challenge for its implementation in the field. As mentioned before, activities under these terms may all be generally included within a definition of MRE, such as the one provided by IMAS.

Conclusion

The four mine-action-related conventions referred to in this paper respond to different demands and needs. These conventions establish obligations that are relevant to mine action in general, with only some provisions relating directly to MRE. Some obligations apply mainly to those who have used those weapons, others apply to those in control of the territory affected by the presence of landmines and ERW, and there are also provisions applicable to all those in a position to assist. There is an emphasis on the responsibilities of mine/ERW-affected countries when in control of the affected territories.

This analysis on MRE provisions in the mine action-related conventions does not pretend to exhaust all possible legal aspects. The meetings of States Parties to the Ottawa Convention and of its Standing Committees will likely continue to promote a common understanding on MRE activities and obligations. Although the content of MRE might change, it

will remain relevant in the future. States Parties to Protocol V have agreed on an implementation mechanism consisting of meetings and informal consultations between annual meetings of States Parties to this treaty. We could say that the mechanism is under construction because each new Meeting of States Parties adds something new to the next year's mechanism. The CCM has no implementation mechanism yet, because it needs first to enter into force (likely by mid-2010) and then the States Parties have to decide on the structure and characteristics. ▶

Biography



Gustavo Laurie is a lawyer and a career diplomat in the Diplomatic Service of Peru (Minister-Counselor). He has been involved in mine action for the last 10 years and joined the United Nations Mine Action Service in 2003, working as its Liaison Officer in Geneva, Switzerland, until recently. Laurie now serves as Acting Chief of Policy and Advocacy Support at the United Nations Mine Action Service in New York.

Endnotes

1. IMAS 04.10: *Glossary of Mine Action Terms, Definitions and Abbreviations*, Second Edition, United Nations Mine Action Service (1 January 2003). http://www.mineactionstandards.org/IMAS_archive/Amended/Amended3/IMAS_04.10_Edition2_Jan2008rev.pdf. Accessed 11 March 2010.
2. ICRC. "Protocol on Explosive Remnants of War" (Protocol V to the 1980 Convention). <http://www.icrc.org/ihl.nsf/385ec082b509e76c41256739003e636d/c110d2926d08a892c1256e280056b275>. Accessed 18 November 2009.
3. International Mine Action Standards. United Nations Mine Action Service. <http://www.mineactionstandards.org/imas.htm>. Accessed 18 November 2009.
4. Countries that have used Form C as a means to report on MRE programs and activities include Bosnia and Herzegovina and Croatia.
5. Article 4 also applies to victim assistance in the context of the CCM. The fact that this term is recognized in the title of any article also applies to the pillar of Victim Assistance.
6. *Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects* was opened for signature in Geneva, Switzerland, on 10 October 1980. For more information: <http://disarmament.un.org/ccw/>.

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