



This Falklands-Malvinas Islands minefield is a sanctuary for penguins. The birds' ground-bearing pressure is insufficient to set off the mines, and their predators are too big to enter the minefield.

PHOTO COURTESY OF ROBERT KEELEY

# Clearing the Falkland-Malvinas Islands

Under pressure from nations around the world and in compliance with Article 5, the U.K. has committed to demining the Falkland-Malvinas Islands, despite the potential cost of demining in a relatively mine-safe<sup>1</sup> area.

by Robert Keeley [ RK Consulting Ltd. ]

While the news of the United Kingdom's decision, under global pressure, to begin demining the Falkland-Malvinas Islands does show a commitment to holding countries to the agreements set up by Article 5 of the Ottawa Convention,<sup>2,3</sup> the location and situation of the landmines in discussion raise the question: Is demanding that the Falkland-Malvinas Islands be cleared a triumph in international diplomacy or a break with common sense? There are five distinct points that need to be made about this decision.

## Cost of Demining

The Falkland-Malvinas Islands clearance process will be very expensive. First of all, the existing mines are laid mainly on the beaches and in soft ground. The result is that the mines may move in the peat and may be affected by the tides, complicating the process. Although a completed feasibility study shows that clearance may be possible, there are clear implications for cost. The recent U.K./Argentina feasibility study, of which the main element was a field survey conducted by Cranfield University, concludes that mine clearance in the Falkland-Malvinas Islands is possible but will present significant technical challenges and risks, which include risks related to possible environmental impact.<sup>4</sup>

While the feasibility study suggests that it is possible to grade the problem into degrees of complexity, the report does not identify costs (nor are there significant benefits against which these costs

should be compared). The problem caused by this absolutist position is that we cannot now say that the British government can clear the easiest of these four categories and leave the hardest. To be Article 5-compliant, the British government has to clear them all, thus negating much of the benefit of this useful study.

## No Casualties in Over 20 Years

These mines pose a minimal threat to the Falkland-Malvinas Islands. There have been no civilian casualties since 1982,<sup>5</sup> and there is little demand for the contaminated land. The Islanders themselves have been very vocal in asking the British government to spend its money elsewhere. Mike Summers, a member of the legislative council of the Falkland-Malvinas Islands government, echoes this sentiment, saying, "There are a lot of mines in the Falklands, but they are not that intrusive. Clearly there is an issue about clearance, but unless they are cleared 110 percent, we are not going to take the fences down anyway. If that can be done, then fine. If the British government was to invest money in clearing mines, then we would be more than happy for them to invest it in other countries. Our needs are not as pressing as other people's."<sup>5</sup> He goes on to say, "That doesn't mean that in the fullness of time we don't want it done. But we would feel somewhat embarrassed if the British government spent money clearing mines in the Falklands if there was an opportunity to spend it in some other territory where there are children and adults at risk."<sup>5</sup>

## Environmental Harm

The clearance methods are likely to be invasive and harmful to the environment. The feasibility study reviewed a number of potential clearance methods including flailing, milling and bulk excavation. Some of these methods may endanger what have become excellent bird sanctuaries for penguins, as the groundbearing pressure of these birds is too small to set off anti-personnel mines. The feasibility study identifies a number of remediation techniques that will then be used to solve the environmental damage caused by the demining process, which will, of course, contribute to the cost.

## Total Contributions

There is also a risk that the British government will treat this clearance as a contribution to its global mine-clearance effort. If this is allowed, then there may be a commensurate reduction in contributions to situations where it does make a difference. A parliamentary question to the British government asking for confirmation that the funding to demine the Falkland-Malvinas Islands will be treated as additional money would be a useful way of resolving this problem.

## Past Deminer Casualties

Finally, and perhaps most importantly, the main reason the British Army stopped clearance in the 1980s was the number of deminer casualties that occurred during the process. The feasibility study again is useful in spelling out a number of risk-management strategies that could be employed. The work the international community has done in the development of the International Mine Action Standards should also be recognized as potentially being instrumental in helping reduce deminer casualties. However, a reduced risk in casualties is still higher than the zero risk in deminer casualties that is currently achieved by leaving these

minefields alone. In attempting to clear them, one should conduct a risk/benefit analysis, and given that the benefit is negligible according to the feasibility study, it is hard to see how even a marginal increase in deminer risk is justified. Of course, the risk to the individual deminer can be compensated on an economic basis through the provision of incentives (i.e., salary), but this issue goes back to the cost/benefit analysis which, although currently incomplete, suggests that clearance of the Falkland-Malvinas Islands simply is not worth it.

## Intent of Ottawa Convention

One possible objection to this approach toward the Falkland-Malvinas Islands is that it would be a fundamental blow to the integrity of the Ottawa Convention, which was drafted specifically to prevent loopholes and other special pleading weakening its effectiveness. This observation is valid; however, I would take a wider view. The whole point of the campaign is to reduce the humanitarian suffering caused by AP mines in the sense that these weapons are indiscriminate and excessively injurious. Given circumstances of scarce resources, a condition shared by humanitarian mine-action programs, it seems that to enforce part of the Convention in circumstances where there is no humanitarian impact is missing the original purpose of the ban.

## A Possible Way Ahead

This perspective may seem very negative in terms of the current formulation of the Ottawa Convention and in particular toward Article 5. However, I believe that the Ottawa Process has been so successful in the stigmatization of this approach that it is robust enough to sustain some amendments. One can see a prime example of a piece of legislation that has survived several significant amendments in the U.S. Constitution.<sup>7</sup> Lessons can also be taken from the carbon-trading concept enshrined

in the Kyoto Protocol.<sup>8</sup> Given that landmines are forms of environmental pollution, countries that have a non-impact landmine problem could be allowed to offset them with an *equivalent* donation (under Article 6)<sup>9</sup> to a country that is actually suffering impact from its contamination. An idea like this one was already suggested in the context of the Falkland-Malvinas Islands, and perhaps it is time to see it come to fruition. ♦

*See Endnotes, Page 111*

*For additional reading for this article, please visit <http://tinyurl.com/c5aaqat>.*



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