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Clearing the Falkland-Malvinas Islands

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The issue of ending war. Finally, I believe that recent on Just War Theory completed by Bian Orend, Michael Water, and myself, poses a third question: “What does an ethical end to the conflict? The national government asserts control over the military hardware it dispensed during the conflict. Government authorities should collect these items, professionalize the forces handling the weapons, safely and securely stockpile them, and destroy the excess and obsolete SA/LW, and has provided over US$1.3 billion to humanitarian mine action in the past two decades. Governments such as Japan, Canada and members of the European Union likewise contribute in order to promote the conditions for such security to take root. The reason Just War theory has endured through the vicissitudes of Western history is because it bridges our moral ideals with the realities of a world characterized by self-interested—and often violent—power politics. What many do not realize is that Just War theory underlies many of our assumptions in the West, such as those governing proportionality and noncombatant immunity. Perhaps of equal importance is that it provides a rationale for what we can do to promote security around the world.

PHOTO COURTESY OF MAJOR ROB ATIENZA, U.S. EMBASSY IN DAKAR, SENEGAL

With financial assistance from the U.S. State Department, Senegal has successfully collected and destroyed more than 8,000 small arms, including MAS-36 submachine guns and MAT-49 rifles. For additional references for this article, please visit http://tinyurl.com/krcvum.

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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-scarce area. Eric Patterson: Clearing the Falkland-Malvinas Islands

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, the location and situation of the landmines in discussion raise the question: Is demanding that the Falkland-Malvinas Islands be cleared a triumph of 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 post and may be affected by the tide, 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.

While the feasibility study suggests that it is possible to address the problem into degrees of complexity, the report does not identify costs (nor are these significant benefits against which these costs should be compared). The problem caused by this absolute position is that we cannot now say that the British government can clear the easiest of these five categories and leave the hardest. To be Article 5–compliant, the British government has to clear all them, 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, 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.” 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.”

Keeley: Clearing the Falkland-Malvinas Islands

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Environmental Harm

The clearance methods are likely to be in- vasive and harmful to the environment. The feasibility study reviewed a number of poten- tial methods, including ploughing, melting and bulk excavation. Some of these methods may endanger what have become ex- cellent bird sanctuaries for penguins, as the groundheating pressure of these birds is too small to set off anti-personal mines. The fea- sibility study identifies a number of recom- mendations that will then be used to solve the environmental damage caused by the de- mining process, which will, of course, contrib- ute to the cost.

Total Contributions

There is also a risk that the British govern- ment will treat this clearance as a contribu- tion to its global mine-clearance effort. If this is allowed, then there may be a commensurate reduction in the official aid allocation 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 re- solving this problem.

Past Deminer Casualties

Finally, and perhaps most importantly, the main reason the British Army stopped clear- ance in the 1990s was the number of demin- er 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 interna- tional community has done in the development of the International Mine Action Standards should also be recognized as potentially being instrumental in helping reduce deminer casu- alties. However, a reduced risk in casualties is still higher than the zero risk to deminer seen in the Falkland-Malvinas Islands 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 justifies the problem. 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 is an issue going back to the cost/benefit analysis which, although currently incomplete, suggests that clearance of the Falkland-Malvinas Islands sim- ply is not worth it.

Intent of Ottawa Convention

One possible objection to this approach to- ward 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 spe- cial pleading weakening its effectiveness. This observation is valid; however, I would take a weaker view. The whole point of the campaign is to reduce the humanitarian suffering caused by AM mines in the sense that these weapons are indiscriminate and excessively cruelly. Given circumstances of scarce resources, a condition shared by humanitarian mine-ac- tion programs, it seems that to enforce part of the Convention in circumstances where there is no humanitarian impact is missing the orig- inal 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 place where legislation has surmounted several significant amendments in the U.S. Constitution. Lessons can also be taken from the carbon-trading concept enshrined in the Kyoto Protocol. Given that landmines are environments of human pollution, countries that have a non-impact landmine problem could be allowed to offset them with an equivalent donation (under Article 6) to a country that is actually suffering significant 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.

Food For Thought

Peoples and Governments of the Americas in action

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International Support for Mine Action in Columbia: Mitigating Impact and Protecting Rights

Ending the decades-long violence in Colombia is the only way to eliminate all landmines from the country. Until that time, there is a need to mitigate their impact, minimize the number of new victims and assure better assistance to survivors.

by Charles Downs ( Downs Consulting )

O ngoing internal armed conflict is the determining factor in the landmine problem in Colombia. It is not simply one more consequence but the single most damaging factor to all Colombians. Mines are a product of that conflict. As long as they are ac- tive instruments in the dispute between forces, with each mine having an interested owner, mines will be a continuing source of risk for the population. As a result, people are confined, displaced and denied access to the necessities of daily life. The impact of mines never goes away for the victims, nor for their families and their communities.

Resolving the conflict is the only way to eliminate all mines from the national territory. It is the only way to ensure that all Colombians live without the trauma, loss of life, and social and economic blockages pre- dated by landmines.

All Colombians have the right to live without the risk of finding a mine in their path. They have the right to cultivate their fertile lands, many of which have been abandoned due to fear. Until the conflict is re- solved, however, the impact of mines must be reduced, better assistance must be provided to all current survivors and the number of new victims must be minimized.

Colombia is one of the few countries in the Americas where anti- personnel landmines are in active use. Landmine victims have been recorded in all the departments and communalities of Colombia, but the number has sharply begun- ning in 2001. Reasons for the increase may include the heightened use of landmines by guerrilla groups, improvement of reporting measure- ment mechanisms and the increased movement of the population. Since 2001, the number of landmine victims has steadily increased. The number of landmine victims in 2006 was recorded at 392. The year 2007 marked the beginning of a second period of landmine victimization in Colombia, with the number reaching 562 in 2007. That means that the landmine problem is in a new phase, with a strong increase in the number of new victims.

Colombia is one of the countries with the greatest number of new victims. According to the 2007 Landmine Monitor Report, Colombia had 1,109 mine victims in 2006, which is greater than three victims per day. That same year, two-thirds of the victims were from the Army and police, and those two groups represent approximately 50% of the world’s victims. The civilian victims alone (314, nearly one each day) were enough to place Colombia among the three countries with the most new mine victims. Although there was a decrease in victims the following year, Colombia continued to have more new victims than any other country. In 2007, there were 855 victims: 195 were killed and 660 who were injured.

The presence of landmines in the different regions of the country changed according to the evolution of the armed conflict, as demon- strated by the distribution of anti-personal victims over the period 1999–2005 with those recorded in 2007. During this period, the four de- partments with the greatest number of civilian victims were Antioquia, Meta, Bolivar and Caquetá. Antioquia had more victims than the other three combined. In 2007, the four departments with the highest num- ber of casualties were Antioquia, Narino, Guaviare and Arauca. Narino had more than the other three combined, reflecting the intensification of armed conflict there.

What Can Be Done?

Considering the experiences of similarly contaminated countries, there are three lines of action that can be taken by victims of land- mine contamination and civil society with the support of international organiza- tions, even during a period of armed conflict. These measures include:

1. Reduce risk

Reduce risk. People have a need and a right to know how to pro- tect themselves from danger, and the public sector has an obligation to inform them. There are many mine-risk education programs that have been developed around the world through mass media, schools,