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**Mine-clearance Activities and ANSA Participation: An Analysis**

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Mine-clearance Activities and ANSA Participation: An Analysis

Effective mine action requires numerous actors to peacefully collaborate: governmental and nongovernmental, international and local. Armed non-state actors that operate beyond central control, such as rebel opposition groups and paramilitary organizations, and private defense companies can often provide necessary contributions to mine action. Understanding ANSAs allows humanitarian organizations to communicate, cooperate and avoid conflict.

by Dr. Sadık Cayci [Avrasya Stratejik Araştırmalar Merkezi]

Recognizing the need to end the suffering and casualties caused by anti-personnel mines, Turkey signed the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destructive Use in 2003. Turkey has been exerting every effort to fulfill its obligations stemming from the Convention. To that end, Turkey no longer produces or uses anti-personnel mines and scavenges in mine clearance, stockpiled destruction, victim assistance and socioeconomic reintegration of mine victims. The latest demonstration of the determination with which Turkey fulfills its obligations is the Mine and Ordnance Disposal Facility that came into operation as of 8 November 2007.

Convinced that mine action is both a humanitarian issue as well as one that requires close cooperation among all those wishing to rid the world of the scourge of these indiscriminately used weapons through the global implementation of the Mine Ban Convention. Cognizant of the fact that at least 40 states that produce, stockpile or use landmines are still not parties to the Convention—meaning that millions of mines remain at their disposal—and situated in a geographic region where the level of adherence to the Convention remains especially low, Turkey uses every opportunity to address this shortcoming. At the same time, Turkey is well aware of the fact that efforts by states alone are not adequate.

The Complementary Role of NGOs

The Convention is a legally binding international instrument that was hammered out by states with the support of inter-governmental and nongovernmental organizations. Conferring certain rights and obligations to States Parties, it gives them the right to seek and receive assistance in implementing the provisions of the Convention. In this context, the Convention stipulates that States Parties may seek assistance through NGOs, and that States Parties who have the capability may also provide such assistance to other States Parties through NGOs. Indeed, States Parties have benefited from assistance sought and provided through NGOs that carry out activities in this field on some occasions. The Convention, however, does not authorize NGOs to act ex-officio. In view of the relevant provisions of the Convention, the request and consent of the State Party concerned is a sine qua non element of the complementary activities of said NGOs. The Nairobi Plan of Action, which is a political document designed as a benchmark, therefore, has to be found for engaging ANSAs and the best possible way to ensure this is informing the State Party concerned and obtaining its consent.

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The Need for a Case-By-Case Approach

The engagement of ANSAs should be considered on a case-by-case basis. The activities of ANSAs are subject to definitional difficulties. While the legal and academic debates on the definition of ANSAs continue, one crucial aspect is clear. Many terrorist groups, which pose a threat to domestic as well as international peace and security, fit the definition widely held definitions of ANSAs. As such, the activities of such groups may be punishable under the domestic criminal laws of the state(s) in question, as well as international treaty law. Dealings that may amount to or be considered as direct or indirect support for such groups may similarly punishable. One only needs to look at the United States, European Union and NATO lists of terrorist organizations as well as the counter-terrorism laws and lists of proscribed organizations defined in the United Kingdom, France, Germany, Australia and Canada. The only conceivable way in which such grounds may be engaged, is if they renounce the use of violence, turn their weapons in and hand over their arms. Under the Convention, acts of violence over to justice. Even then, close scrutiny would be required.

Certain ANSAs may try to use humanitarian engagement as a strategy to legitimate their political/ideological aims or even to acquire a legal status. Subject to the specific and applicable provisions of international humanitarian law the convention may allow the establishment of a permanent and de jure status, organization that carry out humanitarian work have the obligation to make that they are not otherwise. Also, they may undermine the sovereign rights and obligations of States (such as protecting citizens from terrorist attacks) thus increasing tensions and risking the security environment that they aim to enhance. Therefore, absolute compliance by the humanitarian organizations to the neutrality and impartiality principles are of vital importance. Moreover, in such a situation, particularly the common public may perceive them as aiding and abetting terrorism.

In addition to these general points that would apply to all ANSAs, the relationship between NGOs and anti-personnel mines is complicated by the paramount importance of the Convention itself. Anti-personnel mines are prohibited by the Convention, hence they are considered to be falling out of the hands of terrorists. Second, engaging ANSAs on a relatively high-profile event of disarmament may be problematic. The total ban on AP landmines may actually be an incentive for some NGOs to take such weapons, as such, it must be found to address such an issue as to which state(s) are under the control of ANSAs. It must be clear that ANSAs are under the control of ANSAs. It must be clear that ANSAs are under the control of ANSAs. It must be clear that ANSAs are under the control of ANSAs. It must be clear that ANSAs are under the control of ANSAs. It must be clear that ANSAs are under the control of ANSAs. It must be clear that ANSAs are under the control of ANSAs.

Following on and as described in the beginning of this paper, there are indeed States Parties that have acquiesced to NGO engagement of ANSAs. As such, they have informed the State Party community that provide such engagement services, and as there are indeed States Parties that may be willing to fund such endeavors, States Parties may be in a position to do so will… continue to engage ANSAs as they may risk serving the illegitimate objectives of the armed non-state actor in question by increasing tension and thus adversely affecting international humanitarian law, as well as international peace and security, but also endangering international efforts aimed at combating terrorism. Not to mention the inherent risks sending the wrong kind of signals to states that are outside the Convention, but are seriously contemplating accession. After all, how many states would want to be part of a community that undermines their sovereign rights, especially on a matter of national security?

Conclusion

It is clear that ANSAs and third parties cannot agree on the common goal of creating a mine-free world if they build their activities on ignoring or challenging sovereign rights of the State Party concerned. They must work cooperatively with the territorial state in question.
NGOs and international institutions may also devise ways and means through which they can fulfill humanitarian goals. They could find a way to advance such goals and help states create a more secure environment at the same time. They could assure states regarding the pure humanitarian purpose of their respective institutions. Furthermore, they could prevent third party abuse of the humanitarian cause for the purpose of intervening or undermining the sovereign rights of the state. In short, establishing an environment of mutual trust between actors is essential to overcoming legal and political impediments. Exploring the criteria and conditions for engaging armed non-state actors to secure their respect for international humanitarian law and human rights standards may, indeed, yield some positive results. However, this exercise cannot be done in a vacuum, turning a blind eye to other relevant factors and developments that shape and at times threaten international security. Otherwise, they will lead to more harm than good in the long run.

See Endnotes, page 112

News Brief

Swiss Exploring Gender in Mine Action

The initiative to understand the topic of gender in mine action has recently generated significant discussion throughout the global community. Specialists exploring this area are shedding new light on the dissimilar practices, behaviors and communications of males and females in order to improve international mine-action activities in the field and office. As part of the Gender and Mine Action Programme, the Swiss Campaign to Ban Landmines is currently researching and producing a gender-integrated manual that synthesizes practical recommendations with actual case studies.

Not only will the manual answer the question of why mine-action practitioners should be more cognizant of gender issues, it will also answer the question of how gender-attentive procedures may be implemented. For the latter purpose, the SCBL hopes to integrate legal theory and accessible resources to make progress easily attainable. Practicality is imperative, since the manual is intended for a broad audience of mine-action organizations, governments, donors, civil-society actors, gender-focused organizations and community-based organizations.

The first section of the manual will elaborate on gender as it relates to each of the five pillars of mine action. This section will include an overview of the current state of affairs, real-world illustrations, best practices and unsuccessul enterprises. The manual will highlight recommendations to promote realistic application of the information presented. The second section of the manual will feature five in-depth case studies of Lebanon, Mozambique, Sudan, Sri Lanka and Colombia. Reports for each country will include details about the current mine problem for that country, insight about the regional gender situation, best practices and successful gender initiatives. Recommended topics for further research and piloting will also be incorporated.

The SCBL would appreciate participation in providing diverse personal perspectives for the manual. Though the formal submission deadline of 15 February 2008 has passed, e-mail Marie Nilsson at m.nilsson@scbl-gender for more information or to send comments. SCBL is interested in receiving a broad range of pertinent content: project examples, initiatives, tips, ideas, measures of achievement, successful integration stories, unsuccessfull initiatives, problems and relevant photos.

Additionally, the Journal of Mine Action’s upcoming Issue 12.2 will focus upon gender in mine action, and related articles are now being accepted. Please see the “Call for Papers” on the back cover of this magazine for more information.

https://commons.lib.msu.edu/jmi-journal/vol11/iss2/12

UNDP Management Training Programme for National Mine-Action Managers

The current training programmes for National Mine Action Managers are examined to determine the advantages of the courses as well as areas in which the programmes can be improved.

by Charles Downs [ Downs Consulting ]