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Field Notes

Transition and National Capacity After Article 5 Compliance

by Hans Risser [United Nations Development Programme, Mozambique]
and Christian Ruge [Norwegian Peacebuilding Resource]

In June 2014, State Parties to the *Anti-Personnel Mine Ban Convention* (APMBC) met in Maputo, Mozambique, for the 3rd Review Conference of the APMBC, fifteen years after its entry into force. As the review conference approached, State Parties faced a growing call from civil society and some State Parties to commit to complete all obligations in the treaty as rapidly as possible. The majority of State Parties have already completed their APBMC obligations to destroy stockpiles of anti-personnel (AP) mines. However, surveying and clearing all known mined areas in a state's territory in accordance with obligations under Article 5 of the treaty is no easy task. Considerable progress has been made, and some states with moderate to heavy contamination are moving toward an end state. In 2015, Mozambique completed demining of all known minefields after approximately 20 years of survey and mine clearance efforts.¹

As more states approach completion, governments and mine action stakeholders should consider certain issues that arise as a consequence. Completion of Article 5 obligations is a major achievement for mine-affected countries but does not mark the final conclusion of clearance in their country.

As leader of the Third Review Conference, Mozambique facilitated a discussion during the Review Conference and at a subsequent regional meeting on how to prepare for the transition from Article 5 clearance to longer-term operations that address residual explosive remnants of war (ERW). The objective was to

identify policy recommendations that may be considered by States Parties to the convention.

The discussion focused on the following questions:

- * How do national authorities ensure optimal productivity up until the completion date?
- * How can national authorities assist deminers in finding other employment opportunities following the completion of all demining tasks?
- * How should national authorities prepare their mine action coordination structures and demining staff for the post-completion situation?
- * How do national authorities retain key operational personnel throughout closing and quality control operations and ensure proper documentation of efforts is available for future use?

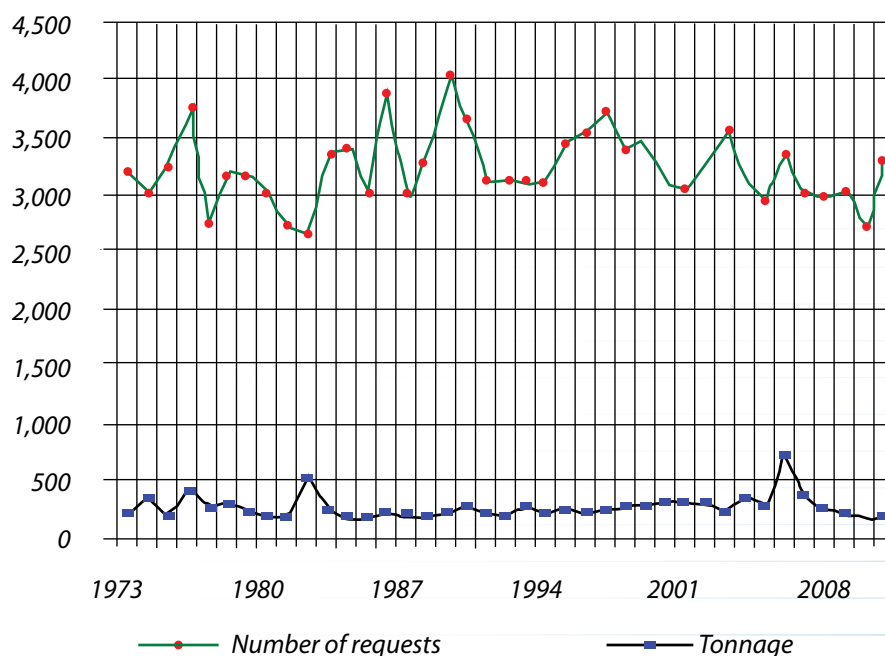


Figure 1. Belgium: Annual ERW response
All figures courtesy of GICHD's Management of Residual ERW Project.

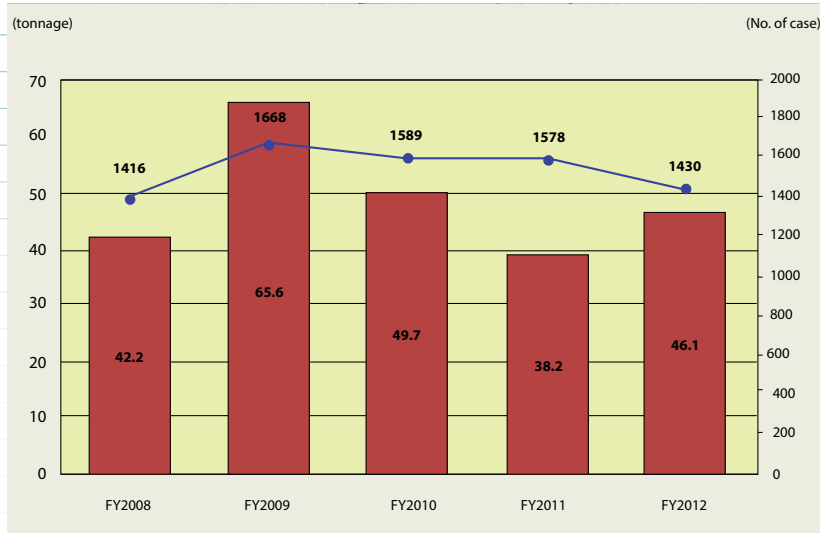


Figure 2. Japan: Annual ERW Response.

✧ After Article 5 completion, how will national authorities identify and manage the hazards and risks posed by residual ERW?

✧ After Article 5 completion, what will happen to the national mine action database and will clearance records be utilized and updated to manage information on any residual ERW accidents and clearance activities?

This article reviews some of the challenges that State Parties to the APMBC face in completing their obligations to clear all known mined areas, as well as what can be done with the national mine action capacity after completion and what is needed in the future to respond to the inevitable residual ERW contamination. The case of Mozambique provides an example of how State Parties and their international partners can prepare for the challenges of completion and plan for the transition of their national mine action capacity.

ERW Contamination: Not Always a Humanitarian Crisis

Most states that have experienced sustained armed conflict over the last century will have some sort of explosive ordnance problem that needs to be addressed in a rational, transparent and systematic manner. Experience from Europe and other parts of the world that still contain areas contaminated with explosive remnants of war (ERW) dating back to both World War I and World War II indicates that this is a problem that requires a sustainable, long-term national response.

Immediately after a conflict, ERW contamination poses a serious humanitarian problem and hinders recovery efforts. In such cases, proactive survey and clearance operations led or assisted by international partners are necessary. Despite the best and most thorough clearance operations, a small residual

risk will remain, and a missed mine, piece of unexploded ordnance (UXO) or previously unknown suspected hazardous areas (SHA) could be identified. However minor the risk, residual ERW contamination constitutes a certain security and safety risk to the population, and it may hamper and significantly increase the cost of infrastructure development. Explosive ordnance may also be a source of explosive materials for groups and individuals involved in criminal activities. It is thus a situation that needs to be addressed by the state, as part of its responsibility to uphold the law, provide security and facilitate

development. A sustainable, national capacity is required to identify the risk from any residual ERW and manage the hazards posed to the population.

In order to prepare for this, many current mine-affected states need to consider how to transition from having a dedicated mine action center to establishing a sustainable explosive ordnance disposal (EOD) capacity.

Addressing Residual ERW Problems

Addressing long-term ERW contamination requires a different approach and capacity than addressing mined areas. Mine clearance under Article 5 is essentially a proactive process involving relatively large numbers of survey and demining teams that are often supported by international technical advisors and financial assistance. Addressing the long-term ERW problem in most states would entail a reactive process involving a smaller, more sustainable national capacity, where threats are identified by civilians and cleared by personnel. The process requires different timelines as opposed to the five- to 10-year cycles provided by the APMBC. With little or no realistic baseline against which progress may be assessed, it is typically impossible to define a definite endpoint.

Most states need a robust, reactive system for reporting, recording and responding to explosive ordnance that is designed to function in a sustainable manner in the long term. However, the expertise necessary to set up and maintain a reporting and recording system that is trusted by the general public and all relevant stakeholders differs from the expertise necessary to identify and render safe an unexploded bomb or grenade. Governments need to identify what role, if any, current mine action coordination structures should have in the transition and post-completion scenarios. Preparing for the transition to

a post-completion scenario will ensure State Parties have a sustainable capacity to report and address the discovery of any previously unknown mined areas that may eventually be discovered after reporting compliance with Article 5.

Preparing for Completion and Transition

National authorities approaching completion of Article 5 obligations would benefit from simultaneously preparing for both completion and transition within the same strategic framework. In doing so, one could look at the Article 5 deadline as an important milestone or transition point in a long-term exercise that aims at maintaining a rational and effective response to the problem of explosive ordnance.

Achieving compliance is a major accomplishment in itself. However, maintaining the motivation and technical capacity required to ensure the demining is completed within the timeline set by the country's Article 5 obligations is one of the challenges. Previous experience shows that productivity rates among deminers tend to decrease as they approach the end of demining operations. Knowing that they are working toward their own unemployment, deminers may be tempted to extend demining tasks for as long as possible for their own economic self-preservation. The situation may be further complicated when mine-affected communities benefit economically from the presence of demining teams (e.g., employment of local people or the provision of services to demining teams) creating an incentive to report clear areas as having mine contamination. Designing incentives and rewards to keep deminers and quality assurance inspectors motivated, honest and productive until the end is an important issue to ensure demining does not fall behind schedule. Restructuring and retraining programs that assist deminers' transition to new employment opportunities following the completion of demining tasks could also be a means to keep deminers motivated.

In the case of Mozambique, deminers maintained high morale and remained motivated through organized completion

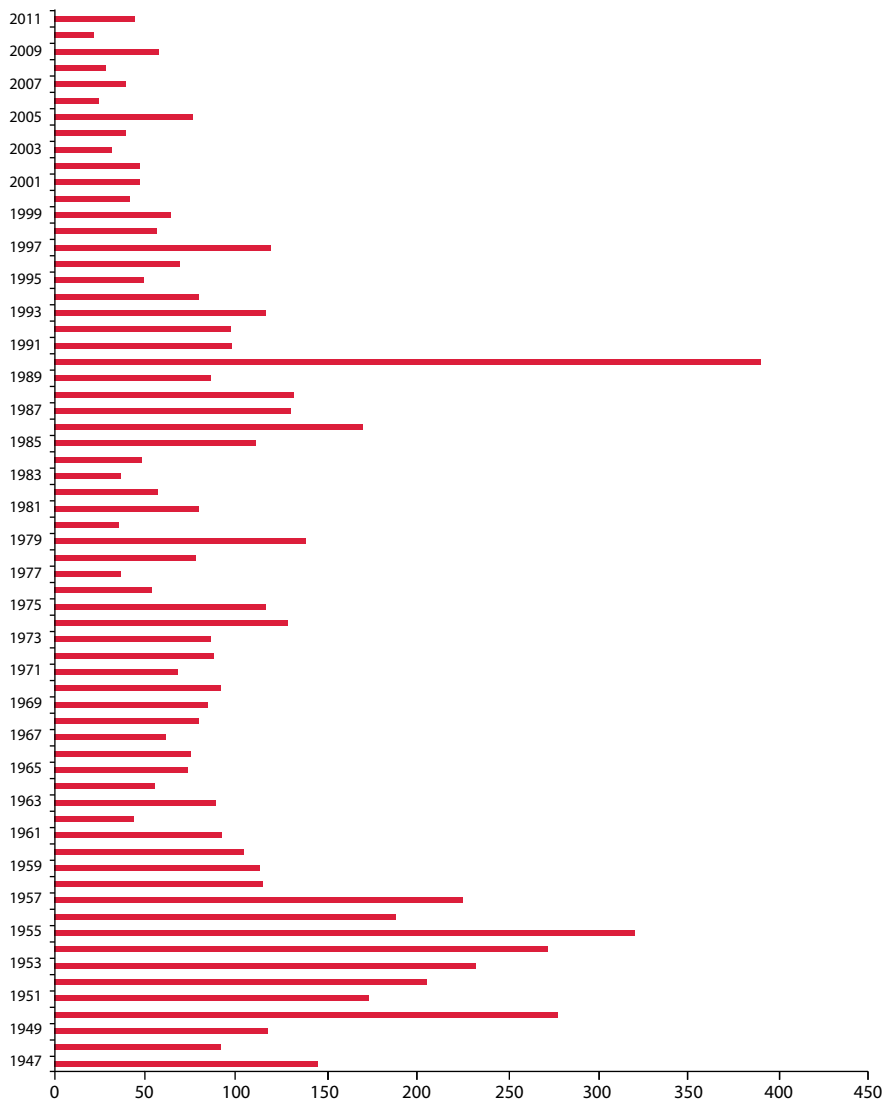


Figure 3. Berlin: Annual disposal of unexploded ordnance in metric tons 1947-2011.

ceremonies for each province, with special recognition given to the deminers involved. The government also encouraged demining operators to incorporate retraining and education programs as well as severance packages for the deminers into the operator's annual budget. Critically, the Mozambique government also discussed the situation with donors and encouraged development partners to support deminers' retraining and education.

Mine affected states could benefit from reviewing their current resources, such as their technical staff, and determining how said resources could be used to support long-term efforts. Considering how national and international actors have invested in building national mine action coordination structures, it is worth understanding how these capacities can be repurposed for future use by the national authorities.

By creating a viable transition plan for mine action structures before all demining tasks are completed, national authorities can retain skilled employees and national capacities.

When transitioning from large-scale, internationally-supported demining capacities to smaller, nationally-led, post-completion capacities, national mine action authorities should review and map their capacities and the roles of their mine action centers. To use these capacities effectively, national authorities should compare the abilities of their centers to national legislation on disaster management and the control of the civilian explosives industry (i.e., the production, transportation, sale, storage and licensing of commercial operators). Maintaining records of clearance operations will be integral for future construction projects as well as clarifying any liability issues in case of future accidents. For many mine-affected countries, demining organizations in the field respond to regular reports from civilians for EOD spot tasks to remove explosive items as part of their normal mine action duties. Following Article 5 completion, a sustainable national capacity (e.g., police, military or civilian protection forces) should be trained to assume this role and the civilian population informed on how to report suspicious items.

As an example, a transition plan for post-completion national capacity may include the need to:

1. Train police, military or civilian protection forces to conduct small, EOD spot tasks and accident investigations as an emergency response for public safety
2. Maintain a national database with information publicly available for liability issues and future construction projects that may require digging below the depth of clearance established by the national mine action standard in previously contaminated areas
3. Quality assurance or quality control in EOD or mine action related activities to control the implementation of national legislation on the production, transport and use of explosives in the civilian commercial sector
4. Licensing and contracting authority for either commercial entities or nongovernmental organizations to



Trainers from the Mozambique National Demining Institute and U.S. AFRICOM conduct EOD training in Inhambane Province, Mozambique (September 2015).

Photo courtesy of the Mozambique National Demining Institute

conduct future EOD spot tasks as required for residual ERW or clearance operations in a larger area if previously unknown mined areas are discovered

5. Provide advisory services to private investors and planning units or project management units in the ministries on how to arrange for any risk reduction and verification services (from local/regional firms or NGOs) that might be required for future private or public development projects

In Mozambique, the aforementioned issues were considered. With the assistance of the Geneva International Centre for Humanitarian Demining (GICHD) and the United Nations Development Programme (UNDP), a transitional strategy was drafted for the management of ERW. This plan called for the transition of the Mozambique Mine Action Centre into a training facility, which will be used to equip and train police officers in basic EOD in each province. The national database and all mine clearance records will be handed over to the national authority that manages the land where it will be maintained and used by anyone seeking to build or develop the area.

Starting in 2014, the National Demining Institute partnered with the U.S. military's AFRICOM to train and equip a team of Mozambican trainers, who would later train provincial police officers in ERW identification, risk analysis and basic level 1 explosive ordnance disposal. AFRICOM and the Mozambique National Demining Institute developed a core curriculum and began training police officers, with an aim to have a small team of police trained and equipped in each province to manage residual ERW after the demining operators completed the survey and clearance of all known mined areas. With the support of AFRICOM and UNDP, trainers from the National Demining Institute successfully trained and equipped more than 124 police officers across all of the country's 10 provinces by the end of 2015.

Donors to mine clearance efforts may also benefit from considering how to structure their support in a way that facilitates efficient and effective resource use while retaining the national capacities established with their support. In the case of Mozambique, the National Demining Institute and international demining operators began discussing transition plans and retraining of deminers early on. This focus on the transition process secured the support of some donors and the critical funding for these long-term transitional efforts.

Structuring international support for this transition period may address claims by previously mine-affected State Parties that financial assistance to address UXO and ERW issues stopped immediately after declaration of Article 5 compliance. While Article 5 compliance may signal the end of active demining operations, international support and assistance can and should be used for the establishment of a sustainable national capacity that shifts its focus to other ERW priorities such as a response to residual UXO, explosive storage stockpile management or the clearance of other areas contaminated by ERW other than landmines. ©

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Elements of this paper were originally introduced as a discussion paper to the Third Review Conference of the APMB held in Maputo in 2014.

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