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Chapter 8

Optimising Mine Action Policies and Practice

Alan Bryden

Introduction¹

Landmines and unexploded ordnance (UXO) affect communities and individuals long after conflicts end and therefore have a profound effect on opportunities for post-conflict peacebuilding. In the immediate post-conflict phase the presence, or simply the threat, of landmines can hamper refugee return and the implementation of humanitarian assistance programmes. They pose a long-term social, economic and environmental threat that denies the use of fertile land and access to water and affects flows of people, goods and services. There is also an important security risk from abandoned explosive ordnance stockpiles or caches which, if not properly secured or destroyed following the end of hostilities, offer rich pickings for insurgents, rebel groups, criminals and other disaffected elements that mark the post-conflict landscape. Mine action – ‘activities which aim to reduce the social, economic and environmental impact of mines and UXO’² – is therefore an important aspect of post-conflict peacebuilding, both in its own right and as an enabling activity for other elements of the peacebuilding agenda.

The governance of mine action involves a wide range of stakeholders both at the strategic policy level and in the implementation of mine action programmes on the ground. For a number of reasons that will be discussed below, linkages and potential synergies between mine action and other post-conflict peacebuilding activities have not been fully exploited. This chapter will assess the complexities of governing mine action generally as well as potential and actual linkages to other elements of post-conflict peacebuilding by analysing two interrelated governance issues. First, the multi-actor, multi-level nature of mine action creates barriers between different stakeholders, potential democratic deficits in decision-making processes and a knowledge

gap between constituencies both at the strategic level and in the field. It will be argued that stakeholders need to be brought closer together, coordination mechanisms reassessed and fresh expertise tapped, if progress is to be sustained and synergies with other peacebuilding activities fully realised. Second, in post-conflict peacebuilding, the involvement of the international community offers important opportunities, but also creates particular challenges. A security governance perspective provides a means to better link policy and practical mine action agendas with the wider security governance challenges faced by states emerging from conflict. These challenges relate, on the one hand, to coordination and cooperation between different elements of the international community's response. On the other, they are embedded in the relationship between international actors and domestic stakeholders, and in particular the common goal of building capacity and instilling local ownership of post-conflict peacebuilding activities.

The chapter begins by tracing the emergence of mine action on the international humanitarian agenda and its evolution as a humanitarian activity. It then considers the various mechanisms adopted by the international community to address this challenge and analyses gaps in current approaches from the perspective of security governance. Linkages between mine action and other aspects of post-conflict peacebuilding are assessed drawing on the cases of Afghanistan and Kosovo. The chapter concludes with several policy recommendations drawn from this analysis.

The Evolution of Mine Action

Although a number of historical weapons can be linked to the modern landmine, mass-produced landmines have only been in widespread use since the 1939–45 war, with significant mine clearance activities having taken place since 1945.³ However, mine action as a distinct humanitarian discipline only really began in Afghanistan from 1988 with a UN-assisted appeal for funds to assist 'humanitarian demining.'⁴ The UN subsequently supported the creation of a number of Afghan non-governmental organisations (NGOs) and facilitated their training in mine clearance techniques, setting a precedent for the involvement of various UN bodies in the coordination and implementation of mine action globally. The first of many international NGOs operating in this field, the HALO Trust,⁵ was also founded in the same year to work in Afghanistan. Mine action activities subsequently expanded to many other countries,⁶ particularly in Asia, Africa

and the Balkans, but also, though to a more limited extent, in Eastern Europe and the Americas. The mine and UXO clearance operation which followed the 1991 Gulf War was notable for the emergence of a number of commercial demining companies who have since become significant actors in mine action.

Mine action is distinguished by its underpinning humanitarian objective to make land safe for civilians. This logic is closely linked to the nature of recent armed conflicts – particularly intra-state – in the developing world involving the use of landmines not only as a tactical means of combat against the enemy, but also as a weapon of terror specifically targeted against civilians. In the immediate post-conflict phase of mine action, risk reduction is therefore the key priority, clearing those mines that pose the most immediate threat to human life. These priorities later shift to a ‘developmental’ emphasis on reducing the threat in socio-economic terms posed by the presence of mines and other UXO. Indeed, one of the biggest shifts in thinking within mine action since its inception has been from early emphasis on the extent of mine infestation as a starting point for priority setting, to an assessment of humanitarian impact as the key factor in prioritising tasks. This is reflected in the definition of ‘mine action’ in the international mine action standards (IMAS) as comprising: (1) mine risk education; (2) humanitarian demining; (3) victim assistance; (4) stockpile destruction; and (5) advocacy.⁷

The five components of mine action span the range of security, development and policy-related activities that are most prominent in addressing the threat posed by landmines and UXO: *mine risk education* refers to activities which seek to reduce the risk of injuries from mines and UXO by raising awareness and promoting behavioural change; *humanitarian demining* refers to activities which lead to the removal of mine and UXO hazards (including mine and UXO survey, marking and clearance); *victim assistance* refers to all aid, relief, comfort and support provided to those whose lives have been blighted by the explosion of a mine or item of UXO; *stockpile destruction* refers to the physical destructive procedure of the national stockpile of anti-personnel mines; and *advocacy* refers to public support, recommendation or positive publicity with the aim of removing, or at least reducing, the threat from mines and UXO.

The use of landmines is regulated by two international treaty frameworks: the Anti-Personnel Mine Ban Convention (APMBC) and the UN Convention on Certain Conventional Weapons (CCW).⁸ The APMBC, opened for signature in December 1997, lays down a complete ban on the use, production, transfer and stockpiling of anti-personnel landmines

(APMs). Amended Protocol II (APII) to the CCW, which had previously been agreed in 1996, largely only restricts landmines, especially anti-personnel mines, seeking to minimise their effects through regulating their use while accepting the underlying legitimacy of the weapons. Protocol V to the CCW, which was adopted in 2003 but which has not yet entered into force, establishes measures to address wider categories of explosive remnants of war beyond landmines. If the Ottawa process⁹ that led to the adoption of the APMBC has been most prominent in mobilising public opinion and effectively stigmatising APMs, the CCW framework is important in applying international humanitarian law (IHL) to specific weapons that pose a particular danger to the well-being of civilians or inflict excessive harm on combatants. The consensus-based CCW framework also engages States such as China, India, Pakistan, Russia, and the United States, who still consider APMs militarily useful and are therefore unlikely to adhere to the APMBC in the near future.

Governing Mine Action

Considering mine action from a governance perspective involves an understanding of the various levels of political authority – national, sub-national and international – which shape mine action. On these different levels, principles of ‘good governance’ – such as accountability, transparency and democratic participation – are particularly relevant.¹⁰ As illustrated in Table 8.1, mine action is governed at the strategic level by various actors within the UN system, donor governments, international organisations and NGOs. These actors are also central to the implementation of mine action programmes alongside commercial companies and a range of national actors in mine-affected countries.

Table 8.1: Key Mine Action Governance Actors and Roles¹¹

| Actor | Responsibilities |
|--|--|
| <i>International level</i> | |
| UNDPKO | Department responsible for UNMAS; integrates mine action into peacekeeping, USG for Peacekeeping chairs Inter-Agency Coordination Group on Mine Action (IACG-MA) |
| UNMAS | Overall policy coordination within and beyond UN system; provides mine action assistance in humanitarian emergencies; oversees international mine action standards (IMAS); coordinates planning for transfer to national authorities |
| UNDP | Supports development of national and local mine action capacity, promotes coordination between mine action and wider development community at country level |
| UNOPS | Service provider in design/implementation of mine action programmes |
| UNICEF | Supports development and implementation of mine risk education projects in cooperation with UN and other partners |
| UNDDA | Supports UNSG in relation to APMBC and CCW; promotes dissemination of annual State reports under the treaties |
| OCHA | Lead agency for information sharing on humanitarian impact of landmines and resource mobilisation |
| UNHCR | Addresses special needs of refugees in mine action |
| OSAGI | Advances gender equality and empowerment of women in mine action |
| OHCHR | Advances human rights aspects of mine action |
| World Bank | Resource mobilisation and agenda setting on landmines as an impediment to development |
| WFP/WHO/FAO | Linkages between mine action and respective mandates in food, health and agriculture |
| Donor states | Funding/in-kind support for mine action |
| ICRC | Promotes development and implementation of IHL, victim assistance and mine risk education |
| GICHD | Operational assistance in mine action, research, development of IMAS, support for APMBC process |
| ICBL | Monitoring and advocacy for APMBC, research and production of Landmine Monitor |
| NGOs | Various, local and international, involved in full range of mine action activities |
| Commercial companies | Various, local and international, involved in range of mine action activities, but primarily clearance |
| Organisation of American States | Military to military training in clearance/stockpile destruction; some other mine action activities |
| European Union | Funding largely through the European Commission, commitment to research and development |

Table 8.1 continued: Key Mine Action Governance Actors and Roles

| Actor | Responsibilities |
|---|--|
| <i>State level</i> | |
| Government | Develop, articulate and implement mine action policies and programmes in accountable, transparent and cost-effective manner. Draft and implement necessary domestic legislation. Ensure compliance with legal obligations, scrutiny of budgets, projects etc. Prosecution of offenders under national law Mine clearance, stockpile destruction Ensure respect for land ownership following clearance Prevent weapons trafficking including landmines |
| Parliament | |
| Judiciary | |
| Military | |
| Police | |
| Border guards | |
| <i>Private actors</i> | |
| Local authorities | In some countries, engaged in selection of sites for clearance Managing the risks from mines or UXO on a daily basis ¹² National and local level mine risk education and support for victim assistance Provide spotlight/pressure on government decision-making, focus on issues such as corruption. Key mine risk education role. Advocacy role, assistance to victims, mine risk education etc. |
| Communities | |
| Red Cross & Red Crescent Societies | |
| Media | |
| Civil Society | |

The Strategic Policy Framework

The UN has the predominant role in the coordination of mine action globally. The United Nations Mine Action Service (UNMAS), set up in October 1997 as part of the UN Department of Peacekeeping Operations (DPKO), serves as the focal point for mine action within the UN system. This includes mine action assistance in humanitarian emergencies and peacekeeping operations, ensuring coordination between UN Headquarters and its field operations as well as partners outside the UN system. These actors come together in an Inter-Agency Coordination Group on Mine Action and in a Steering Committee on Mine Action which also includes the International Committee of the Red Cross (ICRC), the Geneva International Centre for Humanitarian Demining (GICHD) the International Campaign to Ban Landmines (ICBL), as well as various mine action NGOs.

A 1997 report commissioned by the UN on *The Development of Indigenous Mine Action Capabilities*¹³ was strongly critical of UN management and strategy, notably regarding the speed of initiation of programmes in war-torn environments. The study emphasised the need for a mix of political, management and technical expertise as well as reform of budgetary and administrative procedures. These criticisms of the UN role in coordinating mine action can still be heard today and stem from the organisation's multiple commitments, including for policy, norms and standards setting, implementation, and coordination. These problems are clearly exacerbated by the multiplicity of actors involved within and outside of the UN system.

Mine action has been funded by a relatively small number of donor governments, notably Canada, Norway, Sweden, the United Kingdom and the United States. Much of this funding, estimated at \$2.07 billion for the period 1992–2003,¹⁴ has been prompted, directly or indirectly, by the APMBC. Donors contribute to mine action either through the UN or bilaterally through support for mine action NGOs or commercial companies, as well as through the provision of equipment, personnel and training, and investments in research and development. UNMAS coordinates the Voluntary Trust Fund (VTF) for assistance in mine action which was established in 1994 to provide resources for UN mine action where other sources were not available. The VTF has proved an inefficient mechanism for channelling money to programmes and is disliked by donors because of the high overheads retained by the UN Administration and its slow disbursement of funds to field operations. Increased use of bilateral and other funding mechanisms have sought to bypass such bureaucratic bottlenecks but have also posed problems for the UN's mine action coordination role. The key governance mechanisms which apply to different levels of mine action are described in Table 8.2 below.

Table 8.2: Key Mine Action Governance Mechanisms

| Mechanism | Function |
|---|--|
| <i>Multilateral</i> | |
| IACG-MA Inter-Agency Coordination Group on Mine Action | Integration and coordination of UN mine action |
| SCMA Steering Committee on Mine Action | Coordination between UN and other mine action actors |
| MASG Mine Action Support Group | Monthly donor forum based in New York to discuss issues of concern |
| Resource Mobilisation Contact Group | Convened by states in margins of APMBC Standing Committee to address treaty issues |
| Forum of Mine Affected Countries | Cooperation mechanism for New York-based representatives of mine affected countries |
| UN Programme Managers meeting | Annual information exchange between UN field managers, UNHQ and other stakeholders |
| APMBC Anti-Personnel Mine Ban Convention | Annual reporting requirements, annual meetings and five- yearly review conferences, intersessional work programme related to treaty implementation |
| CCW Convention on Certain Conventional Weapons | Annual reporting requirements, review meetings on treaty implementation |
| IMAS International Mine Action Standards | Guidelines for national governments, mine action centres (MACs) and demining organisations as a basis for standards, standard operating procedures |
| VTF Voluntary Trust Fund | Provides resources for UN mine action where other funding not available |
| ITEP International Test and Evaluation Programme | Facilitates cooperative testing of mine action equipment and technologies |

Table 8.2 continued: Key Mine Action Governance Mechanisms

| | |
|---|--|
| <i>Regional/Subregional</i> | |
| ITF International Trust Fund | Raises funds for mine action in South Eastern Europe |
| <i>National</i> | |
| UNCT United Nations Country Team | Principal country level coordination mechanism composed of representatives of UN agencies, led by senior UN official in country |
| NMAA National Mine Action Authority | Government department(s), organisation(s) or institutions(s) – often an interministerial body – in a mine-affected country charged with overall mine action regulation, management, coordination |
| MAC Mine Action Centre | Organisation or institution that carries out operational mine action coordination; has primary responsibility for information management; develops workplans with local organisations/external agencies/NGOs /deminers |
| <i>Sub-State</i> | |
| Deed of Commitment | Non-legally binding document used by NGO Geneva Call to engage non-state actors to ban APMs and cooperate on mine action |
| MAPU Mine Action Planning Unit | Used in Cambodia to prioritise clearance tasks based on requests from communes, villages, districts; issues documents confirming land ownership |

The Legal and Normative Framework

The origins of the campaign that led to the APMBC began entirely through the efforts of civil society. The ICRC raised the problem of increasing numbers of landmine amputees through diplomatic, legal and public awareness efforts while the NGOs that came together to form the ICBL¹⁵ brought a range of field experience to the issue. The strength of the ICBL lay in its structure, combining a small international staff which provided direction and coordinated policy on behalf of hundreds of local organisations around the world. These civil society efforts combined with the work of sympathetic States to lay the ground for the successful negotiation of the treaty. This coalition of States, international organisations, and NGOs was particularly influential because of its cross-regional nature, undercutting

traditional alliances and multilateral channels of communication.¹⁶ Price notes that ‘the most basic effect of civil society, then, has been the transnational dissemination of information about the scope of landmine use and its effects, thereby helping to define the use of AP landmines as not only a problem but as a global crisis’.¹⁷ The movement to ban anti-personnel mines grew because a ban seemed the logical solution to an obvious humanitarian disaster. As important as the inclusive nature of the Ottawa process was its message. Ken Anderson, former Director of the Arms Division at Human Rights Watch, notes that ‘this utter moral and political clarity was an integral part of the campaign in reaching various publics’.¹⁸ The visibility of the mine ban issue was, therefore, essential to the success of the pro-ban lobby.

The APMBC represents a unique modern example where a grassroots campaign has combined with inter-State negotiations, outside of the UN framework and without the critical involvement of major powers, to produce an international arms control agreement.¹⁹ Certainly, widespread resistance to US lobbying during the Ottawa negotiations, including by close allies France and the United Kingdom, demonstrates the strength of the anti-APM norm. There is also evidence that the process has had some influence on the behaviour of States not party to the treaty: the US complies *de facto* with the majority of the treaty’s requirements while Russia and China have ceased APM exports.²⁰ The APMBC is also significant in terms of norm spillover with momentum from the anti-APM campaign providing new vigour to advocacy efforts in related issues such as small arms and light weapons, cluster bombs and explosive remnants of war.

The ICBL retains an influential role in the implementation of the APMBC although concerns have been voiced over its structure and whether the organisation has adapted to the qualitatively different demands of treaty implementation. Anderson qualifies the frequently held association of the Ottawa process with a ‘new diplomacy’²¹ or ‘new multilateralism’²² by pointing out the ‘permanently incurable democratic deficit’ when NGOs work directly with State actors, cautioning against the conflation of NGO coalitions with civil society more broadly.²³ Hubert also recognises, ‘the risk that humanitarian advocates would seek second best solutions that are palatable to progressive governments, particularly where NGO coalitions are largely the product of government funding’.²⁴ Annual meetings of States Parties to the APMBC and an intersessional work programme have become major fora to discuss implementation and interpretation of treaty obligations. These intersessional meetings were reduced in frequency in 2005 following a decision by States Parties at the first Review Conference of the APMBC

and have been regarded in some quarters as more significant for awareness-raising among the diplomatic community than for bringing tangible benefits to mine action in the field.

Article 7 of the APMBC requires annual reporting to the UN Secretary General on a range of treaty issues. This transparency measure is complemented by a significant annual ICBL publication, *Landmine Monitor*, which reports on every State (whether or not they have adhered to the treaty) as well as major contested territories. It has also allowed local researchers to provide their input on mine-related issues. This comprehensive publication records progress and highlights problems in the implementation of the treaty. It represents a positive example of giving ‘teeth’ to a disarmament treaty in the absence of formal, treaty-based verification mechanisms.

The APMBC has produced clear benefits in areas such as stockpile destruction, in the eradication of the licit trade in APMs, and more broadly in normative terms through effectively stigmatising the use of APMs. However, some mine action practitioners feel that an undue emphasis on advocacy distracts attention and resources from mine action in the field. A related concern is that while ‘ownership’ of mine action is highly visible in policy statements and international meetings, the true influence of the South in policy formulation is, arguably, much more limited. Beier questions the association commonly found in the literature which cites the Ottawa process as a success of global civil society by distinguishing between ‘collapsed political time’ as a result of the Ottawa process and ‘unchanged political space’ in its impact on ownership of the process by mine-affected countries.²⁵ Although analysis of the ‘ownership’ of the Ottawa process would require significant further analysis, the potential for the process to become detached from reality in mine-affected countries and from actual demining activities would be particularly unfortunate given that its strength lay in engaging the expertise of mine action practitioners.

Mine Action Programming

Fundamentally, as enshrined in the APMBC and the International Mine Action Standards (IMAS) issued by the UN, States are responsible for clearing mines within their own territory (even if they were not responsible for their emplacement), typically under the auspices of an inter-ministerial national mine action authority (NMAA). A Mine Action Centre (MAC) is responsible for day-to-day coordination and implementation of mine action policy and activities. However, States emerging from conflict commonly lack the capacity to manage their mine action activities, or there may be a

political vacuum in a country or region. In such cases, the UN may assume this role. Local capacity building is a central goal in order to hand responsibility for this activity back as soon as possible to the legitimate national authorities.

Capacity building in mine action is understood as ‘a state’s ability and willingness to develop and articulate mine action policy and direction. It is also about a state’s ability to plan, coordinate, manage and sustain a mine action programme that is accountable, cost-effective and able to address the humanitarian and socio-economic implications of landmine contamination, and to provide appropriate legislation’.²⁶ Mine action programming, as with other externally supported peacebuilding efforts, suffers from the ‘Samaritan’s Dilemma’. As Maslen notes, ‘the generosity of donors can make it less likely that the recipients exert the necessary efforts to help themselves’.²⁷ This concern has been reflected in calls for a more critical assessment of the actual rather than intended capacity building effects of externally sponsored and implemented mine action activities.

One challenge to capacity building has been a preference by donors for home-grown organisations and in-kind contributions – such as staff and equipment – when these have not been the most appropriate solutions to a given national or local mine action context. Similarly, the selection of MAC staff has been criticised in a number of studies with the prevalence of military and former military personnel proving a barrier to fostering the developmental and capacity building aspects of mine action.²⁸ As noted by Kjellman et al, ‘such a professional composition is not necessarily inherently problematic, but it does have the potential to limit the understanding of broader humanitarian objectives within mine action, and brings with it an approach in which authority and the possibility for sanctions may tend to dominate’.²⁹

Significant questions remain over the development of capacity to govern mine activities by national authorities. Executive and legislative bodies must be capable of assuming responsibility for setting policy, overseeing and managing mine action at the national level. There is also an emerging recognition that capacity building of mine action actors at the local level can only be optimised within the framework of an effective national mine action strategy.³⁰ Security sector actors and institutions are key to addressing these issues in practice. Overall planning and priorities need to be agreed at national level and sequencing is essential: why clear schools if there are no teachers? Security sector governance actors should also be much more closely implicated in an aspect of mine action programming that receives insufficient attention: corruption. Diversion of funds, self-interested

selection of clearance tasks and ‘land-grabbing’ have long been associated with certain demining programmes. Responsibility for this issue rests with the range of civil management and oversight bodies at the national level as well as judicial and public security bodies and civil society at national and local levels (see Table 8.2). A recent study on the development of national mine action legislation³¹ highlights a number of significant potential benefits from the development of such legislation including improved coordination within government and with international actors, improved accreditation procedures as well as increased transparency and accountability. Failure to address such concerns erodes donor confidence, undermines the goals of mine action programmes and has particularly important consequences at the national level in the face of public scrutiny.

There is a significant potential role for current and former military forces in demining, stockpile destruction, and other aspects of mine action. Coordination of military forces at the national level is particularly important. Revising military doctrine, manuals and retraining troops are some measures that may be required in regard to legal obligations under the APMBC. Equally important is to acknowledge areas where military forces are weak, notably in taking account of socio-economic criteria and implementing community-based mine risk education.³² The link between DDR and building mine action capacity, discussed below in the case of Kosovo, has not been adequately explored in more general terms. Similarly the use of military troops for demining as a post-conflict confidence-building measure in local communities has been noted in cases such as Nicaragua and Thailand, but broader lessons have not been developed.

State and civil society actors also have a very important role in land allocation and protection of land rights as well as mine risk education and victim assistance at the community level. There is a need to better link these issues with other civil society roles in advocating for and assisting communities. As Harpviken and Skara point out, ‘it is therefore important that priorities are set in a legitimate and transparent manner in order to reduce the potential for tension; this will ultimately also serve as a model for good governance’.³³ In this respect, armed non-state actors who represent a major category of mine users today need to be more effectively engaged.³⁴ They often control mined territory and are responsible for the manufacture, trade, selling and use of landmines. However, being characterised by decentralisation, poverty and unwillingness to compromise, they offer a qualitatively different challenge to State actors (see Chapter 3). NGOs can play an important role in addressing armed non-state actors when States are unwilling or unable to negotiate with such actors. The ICRC has a

long history of such engagement while the NGO *Geneva Call* was established in 2000 with the specific mandate of engaging such armed groups in a ban on APMs and in the respect for humanitarian norms. It does so through encouraging groups to adhere to Deeds of Commitment that mirror the requirements the APMBC places on states.³⁵

Mine action programming, therefore, must emphasise local ownership and the building of genuine national capacity over the long-term. Addressing the obstacles described above should dictate the timing of handovers to local authorities. Kosovo is the only case to date where the UN has handed over responsibility for mine action to local actors and, as discussed below, subsequent developments in that province have not been unproblematic.

Mine Action in Post-Conflict Peacebuilding

Mine action reduces deaths and injuries and allows refugees and internally displaced persons to return home in relative safety following the end of hostilities. It is also an important enabling activity for rebuilding economies, transport and other infrastructure as well as providing jobs (including for former combatants). Consequently there is an obvious need for integration of mine action with other post-conflict peacebuilding tasks geared to providing a secure environment such as SALW measures, DDR, and broader efforts to address disrupted social and economic networks.

Mine action's impact on security in post-conflict peacebuilding is demonstrated by over 37 million stockpiled APMs destroyed to date³⁶ in accordance with the requirements of the APMBC. The value of destroying ordnance stockpiles following the end of hostilities is highlighted in the case of Iraq where vast quantities of munitions were littered throughout the country in both rural and urban settings following the fall of the Saddam regime, posing a threat to both coalition security and local communities. Indeed, such ordnance was used in the bomb attack on UN Headquarters in Baghdad on 10 August 2003 which caused the deaths of 22 UN staff, including UN Special Envoy Sergio Vieira de Mello.³⁷ The priority given to this issue is shown in the award of contracts by the US, valued at more than \$478 million in 2003 alone, to begin disposal of Iraqi ordnance.³⁸

The willingness of former parties to a conflict to reveal the location of minefields, destroy stockpiles or agree to clearance in territory under their control is not just a disarmament activity but an evident confidence-building measure. It is also important to note that the stigmatisation of APMs in particular is felt on the ground (as well as by the international community). This is an important distinction from small arms, which are frequently

regarded as legitimate (see Chapter 7), and contributes to the widespread perception of demining as an 'honourable' profession.

In a number of cases, the decision to include mine action in peace agreements has resulted in important benefits.³⁹ The obligation on former parties to a conflict to provide information on mine-laying can be one important output. Equally important is the willingness indicated by such an agreement of the new national authorities to commit to mine action. The 1992 Mozambique peace agreement made no reference to mine action and the lack of agreement on such activities by former warring parties meant that a UN programme was initiated with no clear planning for the handover of responsibilities to national authorities, resulting in years of misguided and inefficient mine action efforts.

However, Harpviken and Skara conclude from a review of donor policy statements that 'the link between mine action and peacebuilding is generally acknowledged, but poorly developed'.⁴⁰ Applying the logic of peacebuilding to mine action can have limited or counter-intuitive results if not done carefully. In Mozambique, road clearance was prioritised as an immediate support to the UN peacebuilding mission in that country. Contracts worth hundreds of thousands of dollars were given out to clear 2,000 kilometres of roads which, after months of operations, uncovered only six mines.⁴¹ More critically, Harpviken and Roberts describe how the demining and reopening of Highway A9 in Sri Lanka enabled internally displaced persons to return home to settlements that had not themselves been cleared, leading to casualties among returnees.⁴² There is also a seemingly logical link between building mine action capacity and DDR with demobilised soldiers offering a ready pool of recruits already familiar with handling weapons and accustomed to following orders and set procedures. However, the cases of Afghanistan and Kosovo below give contrasting messages as to the potential benefits of such linkages.

These examples reflect the vulnerability of external actors to unfamiliar and complex local contexts. While mine action capacity building can provide a model for re-establishing good governance the inverse is also true. The influx of foreign investment can cause tensions and attract the corrupt and self-interested.

In summary, mine action is one of the earliest entry points for the international community in states emerging from conflict. If conducted well, it can offer significant security benefits through its disarmament and confidence building effects which are not only positive in their own right but serve as enabling activities for related peacebuilding tasks. Moreover, if the national capacity-building dimension of mine action is developed, important

emulation effects for other areas of security governance can be accrued. However these 'ideal' goals often founder in complex post-conflict environments. The following section addresses such challenges based on mine action experiences in Afghanistan and Kosovo.

Lessons from Afghanistan and Kosovo

This section considers mine action, in particular the governance of mine action, in the specific post-conflict peacebuilding contexts of Afghanistan and Kosovo. While not seeking to directly compare two very different cases, both have received significant investments from the international community and in terms of mine action are held to be models for successful programmes, with responsibility for mine action in Kosovo handed back to local actors in 2001 and a similar handover planned in Afghanistan by the end of 2005.

Afghanistan

Afghanistan is one of the most heavily mined countries in the world. Soviet forces entered the country in December 1979 in support of an Afghan government which had seized power in an April 1978 *coup d'état*. Conflict between Soviet-backed government forces and *Mujahedeen* rebel forces grew in scale with the rebels increasingly supported by the West. The 1989 withdrawal of Soviet forces was the precursor to the collapse in 1992 of the 'communist' regime. A period of fighting among rebel groups was followed in 1994 by the emergence of the Taliban as a political and military force. Within the next two years the Taliban gained control of most of the country, including Kabul. Linkages between the Taliban government and *Al-Qaida* were the catalyst, following the terrorist attacks of 11 September 2001, for the US-led military intervention which overthrew the Taliban to be replaced by the government of Hamid Karzai.

In 1988, after unsuccessful military-driven efforts to train Afghan deminers, the UN supported the creation of a number of specialist Afghan NGOs operating under international supervision from neighbouring Pakistan. Although the plan was met with concern by the international community – in particular over the need to give training in explosives to former guerrilla fighters – it was the only viable option on the table and formed the basis for today's Mine Action Programme in Afghanistan (MAPA). The programme includes national and regional offices as well as

oversight responsibility for 15 Afghan NGOs. Regime change in Afghanistan made available unprecedented levels of funding for mine action as part of the wider reconstruction process, opening up previously inaccessible areas of the country for clearance. This opportunity immediately presented the problem that little information was available on the extent of mine or UXO infestation that would permit priority-setting.

A recurrent problem in Afghanistan is that despite the high overall level of funding the delivery of funds by the UN-administered VTF has been erratic, with arrears in payments to Afghan NGOs resulting in operating problems and potential gaps in operational and equipment standards.⁴³ A specific consequence of the broader peacebuilding context in Afghanistan is that demining organisations have been losing staff to the UN as well as other agencies and contractors offering higher salary scales.

The ongoing military action has posed problems for mine action operations. Initially, sub-munitions were deployed which are particularly difficult to make safe and had the same distinctive colour as UN air-dropped food parcels.⁴⁴ Moreover, according to one MACA employee, a lack of coordination between the UN-controlled International Security Assistance Force and demining organisations has led to a number of incidents including the killing of four deminers by security guards.⁴⁵

One specific initiative, Mine Action for Peace (MAFP), has tried to link mine action with the reintegration of soldiers in their own communities, setting mine action efforts alongside the broader goals of transforming relationships between former combatants and facilitating reintegration. The initiative is integrated in the MACA but is also part of the broader DDR effort in Afghanistan – the Afghan New Beginnings Programme (ANBP). The goal of MAFP is to give former combatants, selected in conjunction with local councils, a package of mine action and vocational training, a reintegration grant and thirteen months guaranteed employment. However, in a review of the programme, Strand notes two sets of challenges that affected its implementation:⁴⁶

- Contextual challenges included factional disputes, weak central government, unrealistically high donor expectations and competition from opium farming;
- Specific problems stemming from the overall management role of the ANBP. Symptomatic was a decision to withhold a payment to hand in weapons, on the basis that former commanders would seek to obtain

them, seriously undermined confidence in the programme as well as the broader DDR programme from participants.

Strand suggests that the inexperience of national staff members and international staff with a predominantly military mindset and limited knowledge of the Afghan context contributed to 'the relative inflexibility of the organisation and for the emphasis on the technical, as opposed to the larger political and social, aspects of the programme'.⁴⁷ Despite these problems, the programme has proved effective in disrupting commander-combatant relationships, supporting community reintegration and reconciling former combatants from opposing factions. It is notable that the DDR dimension was greatly facilitated by being grafted on to an already mature and respected activity in mine action.

The historical strength of the Afghan mine action programme, coupled with unprecedented levels of donor support, provide a firm basis for continued progress in clearing the country of mines and UXO. A recent Needs Assessment suggests that, dependent on a sustained commitment, Afghanistan could be free of the 'impact' of mines within five to seven years.⁴⁸ The critical challenge for mine action (as for reconstruction and development more broadly) is one of capacity building and ownership. There is a danger that responsibility for mine action is handed back to Afghan ownership before its institutions are ready to assume the demands of policy and management required by this role. It is also important to recognise that while national capacity may be deficient, capacity-building at the regional level in the NGOs that conduct mine action is the major success story of mine action in Afghanistan. Consequently, there is a related danger that the historical neutrality of the Afghan NGOs involved in this work, which has proved constant through over a decade of operations, is jeopardised. As Maslen notes, given that the security situation in Afghanistan remains dangerous and humanitarian organisations are not immune to being targeted, 'many NGOs are therefore sensitive to any change in the programme that gives it more of a government identity'.⁴⁹ Weak government capacity, ongoing military operations and the only very recent development an adequate legal framework within which mine action is situated therefore suggest that the transition of ownership should not be rushed in Afghanistan.

Kosovo

Kosovo's mine and UXO problem does not have a long historical legacy but came about as a result of fighting between the ethnic Albanian Kosovo Liberation Army (KLA) and Serb forces which broke out in 1998 following years of tension during conflict in the wider Balkan region. Failed negotiations driven by the international community were followed by NATO airstrikes against Serbian military targets which added unexploded submunitions to the barrier and nuisance minefields laid by the opposing forces.⁵⁰ The 11-week bombing campaign was ultimately successful, resulting in a ceasefire agreement on 3 June 1999.

UN Security Council Resolution 1244 provides the governing framework in Kosovo under which NATO-led Kosovo Stabilisation Force (KFOR) troops are mandated to provide a stable and secure environment in coordination with the UN Interim Administration in Kosovo (UNMIK), established on 10 June 1999. Immediately following the end of hostilities, ethnic Albanian refugees and internally displaced persons flooded the heavily mine and UXO-affected region seeking to return home. UNMIK, through UNMAS, established a Mine Action Coordination Centre (MACC) as early as 17 June 1999, mandated to manage and coordinate all mine action within Kosovo with the support of KFOR, the humanitarian community and international donors.

MACC Programme Manager John Flanagan notes that 'the MACC was deliberately set up as a "coordination centre", rather than the more traditional mine action centre,'⁵¹ allowing other organisations to focus on their core competences. The availability and management of information was key to this role and a dedicated tool, the Information Management System for Mine Action (IMSMA), which is now used in more than 80 percent of mine action programmes,⁵² was first deployed in Kosovo. Information made available on Serb and KLA mine-laying⁵³ was complemented, following institutional bottlenecks and problems of security classification, by details of NATO bombing missions. Similar delays were encountered in the provision of information by KFOR on demining conducted in support of KFOR operations.

The plethora of bilaterally-funded NGOs and commercial organisations working on aspects of mine action in the province provided a major coordination challenge for the MACC. Some of these organisations had limited practical experience and a lack of standing operating procedures which undoubtedly led to duplication of effort and increased cost. These

bilateral arrangements also meant that the MACC's coordination role was based on goodwill rather than authority.

Personnel and equipment needs of the newly established MACC were largely met by donations from various governments with in-kind outnumbering regular staff by a ratio of nearly two to one. In many cases these staff had no experience in mine action, which led to a credibility gap given the coordination role of the MACC.⁵⁴ Funding proved an ongoing concern for the programme with significant donor funding channelled bilaterally. This factor was highlighted in the UN-commissioned review of the Kosovo mine action operation: 'in any peacebuilding operation, mine action should not be a discretionary activity left to the charitable impulses of the donor community'.⁵⁵ As an example, the UNMIK budget for 1999–2000, was not made available to the programme until late 2000.⁵⁶

Kosovo's status as an international protectorate has implications for all post-conflict peacebuilding activities in the province. Political authority remains largely with UNMIK although specific responsibilities have been gradually transferred to local provisional institutions. Mine action was labelled from a very early stage as an activity suitable to be handed over to local authorities. In this respect a key UNMIK decision was that responsibility for mine clearance be given to the Kosovo Protection Corps (KPC), an organisation made up of demobilised ethnic Albanian fighters and very closely identified with the KLA. This was deemed by UNMIK to be an effective way to demilitarise and reintegrate former combatants but had a number of unforeseen results. First, the decision reduced options for building civilian mine action capacity by depriving inhabitants of the province who had already been trained of long-term employment prospects. Second, initial training of the KPC was not 'fit to task' resulting in poor work. Third, major concerns were raised about the political and ethnic bias of the force, particularly if deployed in ethnic Serb enclaves. This final point was reflected in a lack of support by KFOR, particularly concerned by the prospect of giving the KPC explosives, which led to significant delays in implementing the policy.

Responsibility for mine action was handed to newly founded government authorities on 15 December 2001, despite a residual landmine and UXO threat. Concerns were voiced that this was a political exit strategy by UNMIK that came too early for the nascent executive. This is borne out by the fact that senior management posts are still held by international staff and a lack of capacity in the relevant Ministries is apparent. As a consequence, authority for mine action in early 2004 moved back to responsibility of UN Special Representative, reflecting a need for greater

control and oversight. On the operational level, although recent improvements have been noted, the KPC has proved inefficient and certain clearance tasks have been assumed by their international trainers, the NGO Handicap International. In six districts declared free of mines and UXO, contamination has subsequently been found, leading to new surveys and clearance as well as to significant embarrassment for the UN and donors.⁵⁷ The threat posed by mines and UXO in Kosovo has been significantly reduced since 1999 but the mine action faces the same governance questions relating to capacity and ownership *vis à vis* the role of the international community that need to be addressed in the province.

Conclusion and Policy Recommendations

This chapter has sought to delineate the governance of mine action at the levels of strategic policy and programming. As demonstrated by the cases of Afghanistan and Kosovo, the governance of mine action is further complicated in the context of post-conflict peacebuilding as the constellation of actors and their interactions increase. It is argued that applying a security governance perspective provides a useful way of deconstructing the policy process and its relation to mine action programming. Moreover, it enables a better understanding of the linkages and potential synergies between mine action and other aspects of the post-conflict peacebuilding agenda. On this basis the following recommendations are proposed:

- *Legal and normative frameworks for mine action at the international level could further contribute to effectiveness at national and sub-national levels.* The APMBC and CCW work programmes provide a mechanism for the oversight of mine action that has not been fully exploited to date. Greater transparency and critical analysis on how resources are used – both by mine action programmes and mine affected states – would result in significant benefits on the ground if backed up by sufficient political will.
- *Better coordination of mine action is a precondition for better integration with the broader post-conflict peacebuilding agenda.* Short-term or slowly disbursed funding and the provision of inappropriate in-kind contributions continues to hamper the effective implementation of mine action programmes. Bureaucratic knots need to be untied and programmes provided with ‘fit to task’ tools and

adequate funding if they are to succeed in already difficult environments. Moreover, if the UN's coordination role is to be successful, bilateral donors and other mine action funders must ensure that this role is enshrined in agreements with mine action NGOs and commercial companies and that they apply the same standards in their work.

- *Effective mine action as peacebuilding requires all elements of the international community's response to pull together.* There is a significant potential for mine action to make a more explicit contribution to post-conflict peacebuilding. This requires greater coordination between transitional administrations, peacekeeping forces, mine action stakeholders and other relevant actors. In particular, it is essential that decisions are not based on 'political' criteria but on a realistic appreciation of the local context. This entails embracing expertise from related security and development fields, notably NGO experts who in many cases are closer to what is happening on the ground. Enlarging the knowledge base, in terms of research, policy and programming, will enable new insights to be developed and allow the international community to better situate mine action with other development priorities.
- *The provision of accurate and timely information is indispensable to mine action.* Accurate information is arguably the most important and source difficult to obtain commodity in complex post-conflict situations. Knowledge of the local context is essential for all peacebuilding activities in order to avoid sub-optimal results as a result of 'imported' approaches. The provision of relevant information, including on mine use, should be enshrined wherever possible in peace agreements between former warring parties. Information of use to mine action organisations such as military mine clearance activities and bomb damage assessment reports is often available but compartmentalised and difficult to access. This should be supplied as a matter of course and included in appropriate rules and guidelines. The effective use of liaison officers between, for example, the mine action coordination body in country and other agencies, is one way to address such gaps.
- *Building sustainable local capacity in states emerging from conflict is the most difficult but most important objective in both mine action and peacebuilding more broadly.* The paucity of concrete examples where ownership of mine action has been successfully handed back to

national authorities is testament to the difficulty of building sustainable capacity. A focus on governance structures and mechanisms will facilitate sustainability: at the national level, capacity-building for mine action needs to be closely linked to broader efforts to encourage transparency, accountability and democratic oversight in the area of security governance including the legislative, executive and judiciary as well as security sector actors such as the police, army and border management agencies. Capacity-building opportunities should pay particular attention to the role of civil society, in particular at local and regional. Finally, local ownership involves leaps of faith in engaging actors with often difficult conflict histories. This requires ongoing assessment and a willingness to impose sanctions if evidence of misuse is apparent.

The process that led to the APMBC has achieved unprecedented results in normative and practical terms while also invigorating advocacy on other related humanitarian issues. Mine action has also adapted and developed over a relatively short time period, particularly through greater appreciation of the socio-economic dimensions of the issue. However, its particular evolution points to the need for the better integration of mine action with other security and development issues. As this chapter has sought to highlight, more effective coordination and cooperation at headquarters and on the ground, coupled with a determination to build local capacity in difficult circumstances, will reinforce the significant efforts of all those who work in this key area of post-conflict peacebuilding.

Notes

- 1 The author would like to thank Stuart Maslen for his insightful comments on earlier versions of this Chapter. Responsibility for any errors in the text lies entirely with the author.
- 2 *International Mine Action Standards (IMAS)* 04.10, second edition (1 January 2003), Standard 3.124, available at URL <www.mineactionstandards.org>.
- 3 For example, in the years following World War II, the area of Poland subject to mine/UXO clearance was 271,840 square kilometers, or 87% of Polish territory. By 1985, more than 88 million items of UXO, including 15 million mines had been disposed of. *Landmine Monitor* (2004), p. 910.
- 4 This section on the genesis of mine action draws on 'A Guide to Mine Action' produced by the Geneva International Centre for Humanitarian Demining (GICHD), pp. 21-27, available at URL <www.gichd.ch/about_gichd/guide/index.cfm>.

- 5 Hazardous Area Life-Support Organisation.
- 6 The 2004 edition of the *Landmine Monitor* identifies 83 mine affected countries around the world. The report is available at URL <www.icbl.org/lm>.
- 7 International Mine Action Standards (IMAS) 04.10 , op. cit.
- 8 Full titles: Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction; and, 1980 United Nations 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.
- 9 Named after the Canadian capital where the initiative was launched in October 1996 by the then Foreign Minister of Canada, Lloyd Axworthy.
- 10 For a comprehensive analysis of the interrelated concepts of 'governance', 'security governance' and 'security sector governance' see Hänggi, H., 'Making Sense of Security Sector Governance', Hänggi, H., Winkler, T. (eds.), *Challenges of Security Sector Governance* (Lit: Münster, 2003). An electronic version of this book can be found at URL <www.dcaf.ch/publications/e-publications/Sec_Gov/contents.html>.
- 11 Information on the responsibilities of the various UN bodies has been drawn from *Mine Action and Effective Coordination : The United Nations Inter-Agency Policy*, endorsed by the Inter-Agency Coordination Group on Mine Action (6 June 2005). Available at URL <www.mineaction.org>.
- 12 Communities have to live with the threat and they do so more or less effectively, depending on a variety of factors. Many set up what are, in effect, their own informal, small-scale mine action programmes. For instance, when outside help is too slow to come (in the eyes of the community) they may engage in so-called village demining – unofficial and unregulated clearance of mines and UXO, often without any detection or protective equipment. Mine action continues to grapple with this problem in a number of countries, most notably across South-East Asia.
- 13 United Nations Department for Humanitarian Affairs, *The Development of Indigenous Mine Action Capabilities* (DHA: New York, 1997). Available at URL <www.reliefweb.int>.
- 14 See URL <www.icbl.org/lm/2004/funding>.
- 15 The founding members of the ICBL were Handicap International; Human Rights Watch; Medico Internationale; Mines Advisory Group; Physicians for Human Rights and the Vietnam Veterans of America Foundation.
- 16 Tomlin, B., Cameron, M., Lawson, B. (eds.) *To Walk Without Fear: The Global Movement to Ban Landmines* (Oxford University Press: Oxford, 1998), p.5.
- 17 Price, R., 'Reversing the Gunsights: Transnational Civil Society Targets Landmines', *International Organization* vol. 52, no. 3 (1998), pp. 613-644.
- 18 Anderson, K., 'The Ottawa Convention Banning Landmines, the Role of International Non-Governmental Organisations and the Idea of International Civil Society', *European Journal of International Law* vol. 11, no.1 (2002).
- 19 Lachowski, Z., 'The Ban on Anti-Personnel Mines', *Armaments, Disarmament and International Security*, SIPRI Yearbook (1998), p.558.
- 20 Hubert, D., 'The Landmine Ban: A Case Study in Humanitarian Advocacy', *Humanitarianism and War Project*, occasional paper no. 42 (2000), p.29.
- 21 See for example: Davenport, D., 'The New Diplomacy', *Policy Review* (2002).

- 22 Axeworthy, L., 'Towards a New Multilateralism', Cameron, M. A., et al, *op. cit.*, pp. 448-459.
- 23 Anderson, K., *op. cit.*
- 24 Hubert, D., *op. cit.*, p. 70.
- 25 Beier, J. M. "'Emailed applications are preferred': ethical practices in mine action and the idea of global civil society", Harpviken, K.B. (ed.), *The Future of Humanitarian Mine Action* (Palgrave: New York, 2004), p.28.
- 26 United Nations General Assembly, *Mine Action and Effective Coordination: the United Nations Policy*, UN Doc. A/53/496 (UNMAS: New York, 1998).
- 27 Maslen, S., *Mine Action After Diana: Progress in the Struggle Against Landmines* (Pluto Press: London, 2004), p. 103.
- 28 For example see: Horwood, C., 'Humanitarian Mine Action: The First Decade of a New Sector in Humanitarian Aid', *Relief and Rehabilitation Network Papers*, no. 32 (ODI: London, 2000).
- 29 Kjellman, K. E., Harpviken, K. B., Millard, A. S., Strand, A., 'Acting as One? Coordinating Responses to the Landmine Problem', Harpviken, K. B. (ed.), *op. cit.*, p.86.
- 30 GICHD, *A Study of Local Organisations in Mine Action* (2004), pp.13-14. Available at URL <www.gichd.ch/fileadmin/pdf/publications/Local_Organisations.pdf>.
- 31 GICHD, *A Study of the Development of National Mine Action Legislation* (2004). Available at URL <www.gichd.ch/fileadmin/pdf/publications/Legislation_study.pdf>.
- 32 GICHD, *The Role of the Military in Mine Action*. Available (2003). Available at URL <www.gichd.ch/fileadmin/pdf/publications/Role_Military_MA.pdf>.
- 33 Harpviken, K. B., Skara, B. A., 'Humanitarian Mine Action and Peacebuilding: Exploring the Relationship', Harpviken, K. B. (ed.), *op. cit.*, p. 39.
- 34 The 2004 Landmine Monitor describes mine use by non-state armed groups since May 2003 in Bhutan, Bolivia, Burma/Myanmar, Burundi, Colombia, DRC, Georgia, India, Iraq, Nepal, Peru, Philipinnes, Russia (Chechnya and North Ossetia), Somalia, Turkey and Uganda.
- 35 According to the Geneva Call website 27 armed groups in Burma, Burundi, India, Iraq, the Philipinnes, Somalia and Sudan have agreed to ban the use of APMs through this mechanism. A template Deed and complementary information can be found at: URL <www.genevacall.org>.
- 36 Landmine Monitor, *op. cit.*, p. 13.
- 37 Maslen, S., *op. cit.*, p. 19.
- 38 Landmine Monitor, *op. cit.*, p. 997.
- 39 See United Nations, 'Mine Action Guidelines for Ceasefire and Peace Agreements', (United Nations Inter Agency Coordination Group on Mine Action: New York, 2003). Available at URL <www.mineaction.org>.
- 40 Harpviken, K.B., Skara, B. A., *op. cit.*, p. 37.
- 41 Maslen, S., *op. cit.*, p. 34.
- 42 Harpviken, K.B., Roberts, R. (eds.), *Preparing the Ground for Peace – Mine Action in Support of Peacebuilding* (PRIO: Oslo, 2004), p. 58.
- 43 Maslen, S., *op. cit.*, p. 40.
- 44 *Idem*, p. 18.
- 45 Fruchet, P., 'After the Taliban: Opportunities and Challenges in Mine Action in Afghanistan 2002-2003', *Journal of Mine Action* no. 8.1 (June 2004).

- 46 Strand, A., 'Transforming Local Relationships: Reintegration of Combatants Through Mine Action in Afghanistan', Harpviken, K.B., Roberts, R. (eds.), *op. cit.*, pp. 44-45.
- 47 *Idem*, p. 52.
- 48 Needs Assessment re-printed in GICHD, *op. cit.*, pp. 16-17.
- 49 Maslen, S., *op. cit.* p. 95.
- 50 Landmine Monitor 2004, *op. cit.*, pp. 1208-1209.
- 51 John Flanagan quoted in Scott, J. J., 'The Kosovo MACC : The Most Successful Mine Action Program Ever', *Journal of Mine Action* issue 6.1. Available at URL <www.jmu.edu/journal/6.1/focus/scott/scott.htm>.
- 52 URL <www.gichd.ch/35.0.html>.
- 53 Mines laid by Yugoslav army (VJ) units were typically recorded whereas those deployed by Serbian paramilitary forces were frequently targeted at civilians and went unrecorded. KLA laid mines were also predominantly unmarked and unmapped.
- 54 The Praxis Group Ltd., *Willing to Listen: An Evaluation of the United Nations Mine Action Programme in Kosovo 1999-2001* (February 2002), p. 9.
- 55 *Idem*, p. 20.
- 56 *Idem*, p. 8.
- 57 Maslen, S., *op. cit.*, p. 93.