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## Developing Mine Action Legislation - A Guide

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# **Developing Mine Action Legislation**

*A Guide*



# **Developing Mine Action Legislation**

***A Guide***

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The **Geneva International Centre for Humanitarian Demining** (GICHD) works towards a world free of anti-personnel landmines and for the reduction of the humanitarian impact of remnants of war by providing operational assistance, creating and sharing knowledge, and supporting instruments of international law.

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**Geneva International Centre for Humanitarian Demining**

7bis, avenue de la Paix  
P.O. Box 1300  
CH-1211 Geneva 1  
Switzerland  
Tel. (41 22) 906 16 60  
Fax (41 22) 906 16 90  
[www.gichd.ch](http://www.gichd.ch)  
[info@gichd.ch](mailto:info@gichd.ch)

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# 1. Introduction

## The aim of the Guide

This document is intended to assist governments, mine action professionals and others to develop national legislation to coordinate and regulate “mine action” in a country affected by landmines and/or explosive remnants of war (ERW).<sup>1</sup> It identifies the principal elements to be included in such a law and the issues which should be considered in its preparation. The information in this document is based upon the conclusions and recommendations of *A Study of National Mine Action Legislation*, published by the Geneva International Centre for Humanitarian Demining (GICHD) in 2003.

The Guide does not present the standards by which mine action is to be conducted, which are set out in the International Mine Action Standards (IMAS),<sup>2</sup> nor does it address the specific implementation requirements of the Anti-Personnel Mine Ban Convention or Amended Protocol II or Protocol V of the Convention on Certain Conventional Weapons (CCW). The International Committee of the Red Cross (ICRC) has produced an information kit on national legislation to implement the Anti-Personnel Mine Ban Convention.<sup>3</sup> These materials should be consulted for further information on those subjects.

## What is mine action?

According to the IMAS, mine action is the term used to describe the activities which aim to reduce the social, economic and environmental impact of landmines and ERW. Mine action seeks to reduce the risk from these weapons to a level where people can live safely and in which economic, social and health development can occur free from the constraints imposed by mine and ERW contamination.

Mine action comprises five complementary activities:

- a) mine risk education;
- b) humanitarian demining (i.e. mine and ERW survey, mapping, marking and clearance);
- c) victim assistance, including rehabilitation and reintegration for mine and ERW victims;

- d) stockpile destruction; and
- e) advocacy against the use of anti-personnel mines.<sup>4</sup>

These activities may be carried out by government ministries, international or regional organisations, commercial companies and non-governmental organisations (NGOs). The scale and nature of a country's mine and ERW problem will determine the extent to which these activities are carried out in a particular context.

### Coordinating mine action: the national mine action authority and the mine action centre

In the light of the range of activities and actors involved in mine action, effectively addressing a country's mine/ERW problem will require coordination at national and local levels.

The primary responsibility for mine action lies with the government of the mine-affected State. This responsibility is normally vested in a **national mine action authority** (NMAA), which is charged with the policy, regulation and coordination of a national mine action programme. The NMAA is responsible for establishing the national and local conditions which enable the effective management of mine action. It is ultimately responsible for all phases and all facets of a mine action programme within its national boundaries, including the development of national mine action standards, standing operating procedures and instructions.<sup>5</sup>

The operational arm of the NMAA is the **mine action centre** (MAC). This body is the focal point for mine action activities on the ground. It carries out the policies of the NMAA and coordinates the day-to-day work of the various organisations and agencies conducting mine action operations. Together, the NMAA and the MAC typically comprise the principal mechanisms coordinating mine action in a mine/ERW-affected country.

Further information on the structure and responsibilities of the NMAA and MAC are provided in Section 3 below. The importance of creating such bodies cannot be overstated. They are widely recognised as being essential components to facilitate rapid progress in removing the threat of mines and ERW and to bring assistance to victims and affected communities. Their establishment is strongly recommended by the United Nations (UN), the broader international mine action community and donor States.<sup>6</sup>

### Why should a State adopt national legislation on mine action?

States have used various kinds of legal instruments to create an NMAA and/or a MAC and to regulate mine action activities. These include laws passed by parliament, or decrees, orders or similar legal instruments issued by the office of the chief executive (prime minister or president) or a government ministry.

However, mine/ERW-affected countries are strongly encouraged to adopt **national legislation** to coordinate and regulate mine action. National



legislation refers to a public law passed by the country's legislative body (e.g. parliament or congress) and approved by the country's head of the executive. National legislation is preferred because it is normally the product of an extensive collaborative process between the government, its ministries, the national parliament and, in some cases, external agencies.<sup>7</sup> This process provides an opportunity for a thorough consideration of the mine action issues to be addressed, the activities to be undertaken and the implications of the law being drafted.

As highlighted in the GICHD's *A Study of National Mine Action Legislation*,<sup>8</sup> the legal instruments issued by some countries to regulate mine action have been deficient in a number of important areas. Such deficiencies might have been prevented through broad consultations on the content and implications of the law.

### Box 1. Specific advantages of regulating mine action through national legislation

- **Wide involvement of the national parliament and government agencies in the development of the law will mean greater understanding of the purpose of mine action and the responsibilities and needs of the NMAA and MAC;**
- **Coordination and cooperation between the government ministries and parliamentary committees associated with mine action will be facilitated and reinforced;**
- **The NMAA and MAC will be provided with strong mandates under national law;**
- **The roles and responsibilities of the NMAA and MAC can be more clearly identified;**
- **National legislation may be essential for national budgetary allocations to the mine action programme or structures;**
- **Close collaboration will often result in a large degree of transparency and specification in the structuring, planning and tasking of mine action; and accordingly,**
- **There can be better accountability to donors, the country's citizens and its communities.**

In short, the adoption of national legislation will help facilitate effective and efficient mine action. This may have a positive effect on attracting funds and assistance for mine action activities. The adoption of "mine action legislation" is considered by the international mine action community to be an important step in the creation of a comprehensive framework to eliminate the consequences of mine/ERW contamination.

It is important to note that **decrees and similar legal instruments** can also play a vital role in regulating mine action. They are often a useful and practical way to allow mine action to begin rapidly after the end of a conflict in situations where a government is not yet able to fully function or is faced with a large number of competing priorities.<sup>9</sup> Decrees and other legally binding instruments can quickly establish an NMAA and a MAC to coordinate mine action activities. Yet, even in such situations, legislation should be

subsequently adopted. Although many of the advantages listed above can be accomplished through decrees and other legal instruments, the consultation and transparency which accompany the legislative process are important, yet often overlooked, elements of ensuring that mine action achieves its goals.<sup>10</sup>

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## 2. Drafting mine action legislation

### Background

Good legislation is usually the result of good preparatory work. Consultations with government ministries and departments whose activities intersect with mine action, and with external legal and mine action experts, are an important part of developing comprehensive and effective mine action legislation.

### Inter-ministerial consultations

The components of mine action identified in Section 1 above have implications for the activities and policies of a variety of government ministries. These bodies need to be consulted on the development of mine action legislation. Box 2 below identifies the ministries and departments commonly associated with mine action operations.

#### Box 2. Government ministries and departments often associated with mine action

Humanitarian demining/ERW clearance	Mine/ERW risk education	Anti-personnel mine stockpile destruction	Victim assistance	Advocacy against use of anti-personnel mines
Defence	Education	Defence	Health	Foreign affairs
Borders	Information	Border	Social services	Defence
Interior/security		Interior/security	Veteran affairs	Interior/security
Public works				
Transportation				
Agriculture				
Environment				

*Note:* This table is an indicative list of the principal government ministries and departments regularly associated with mine action activities. The responsibilities of other ministries and

departments may also intersect with such activities. These may include ministries with responsibility for taxes and customs, planning, import and export controls and women's affairs. These agencies should also be part of the consultation process to develop mine action legislation.

Most governments have a process through which their ministries and departments are notified of proposals for new laws. These inter-ministerial or inter-departmental consultations should be used to confer with the relevant agencies on mine action legislation. This will help ensure that issues related to activities in their area of responsibility are taken into account in the process of drafting legislation. Importantly, it will also help identify existing laws and policies that may need to be amended or withdrawn before the adoption of legislation.

The consultation process in each country will vary significantly. Inter-ministerial or inter-departmental consultations should take place at an early stage before the drafting process begins. This will help prevent confusion about the scope and purpose of the law and avoid unwanted delays in its adoption and implementation.

### Consultations with mine action professionals

Many international organisations and NGOs have extensive experience in mine action and they should be consulted on the development of mine action legislation. Particularly important are organisations that are operational within the affected country. They will have first-hand knowledge of the scope and nature of the country's mine/ERW problem as well as any operational constraints affecting mine action activities. Discussions should include the regulatory structures to be established by the new law and the implications for activities on the ground. Failure to consult with mine action professionals may mistakenly impede existing activities or hinder the development of new programmes.

### Learning from the experiences of other States

*A Study of National Mine Action Legislation*, published by the GICHD, provides a valuable insight into the experiences of mine/ERW-affected States that have established an NMAA or a MAC through national law. Once adopted, many of the laws were found to be inadequate and subsequently hindered the execution of mine action activities. In some instances, the laws had to be amended in order for mine action to proceed—and valuable time and resources were lost.

States that have adopted national mine action legislation should be consulted about their experiences in promulgating and implementing laws on mine action. This will help States developing legislation to benefit from the lessons learned by others.

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## 3. The content of mine action legislation

### Introduction

As reflected in *A Study of National Mine Action Legislation*, some laws regulating mine action have been deficient in important areas. Some laws have, for example, not provided adequate mandates to the NMAA or MAC, have failed to comprehensively cover the range of activities comprising mine action, or have not been the result of extensive consultation between the various government ministries and departments which need to be involved in mine action. As a result, governments have had to amend or promulgate new laws to address problems that have arisen.

Mine action legislation must include certain specific elements if it is to be comprehensive and achieve its goals. These include provisions on:

- the establishment of the NMAA;
- the establishment of the MAC;
- the implementation of mine action activities; and
- accreditation and monitoring of mine action operators.

Each of these elements is explained below in greater detail. Suggested language which can be used by governments to develop provisions of legislation in these areas is attached as Appendix 1.

### The national mine action authority (NMAA)

The national mine action authority is the principal entity responsible for overseeing mine action in the affected country. One of the purposes of mine action legislation is to create the NMAA and outline its functions. Legislation should include clear provisions in the following areas:

**1. The establishment of the NMAA.** The legislation should state clearly that an NMAA is to be created and that it shall meet regularly. The law should also indicate which government ministry or department or member of the executive is to oversee or be responsible for the NMAA's activities.

**2. Membership.** Mine action legislation should identify the ministries and/or officials who are to be members of the NMAA. Such bodies typically include officials from the government ministries or departments associated with mine action activities (e.g. Ministries of Agriculture, Defence, Education, Foreign

Affairs, Health, Interior and Social Services — *see Box 1*). The NMAA could also include representatives of international organisations and other bodies or organisations involved in mine action. These entities are normally invited to participate as observers in the NMAA's work. The law should also identify which ministry or department is to chair its meetings and which is to act as the secretariat for the NMAA, if the mine action centre does not perform this function.

**3. Responsibilities.** Mine action legislation should specify that the NMAA is the body charged with overall responsibility for mine action within the country. In this regard, it is responsible for the broad strategic and policy decisions related to mine action. In particular, the law should indicate that the NMAA is responsible for:

- the overall implementation of mine action legislation;
- adopting a national policy, strategy, priorities and annual workplan to reduce the impact of mines and ERW (i.e. a national mine action plan);
- reporting on the progress made on mine action to parliament, the public, donors, the United Nations and other relevant fora; and
- overseeing the work of the mine action centre.

### The mine action centre (MAC)

The mine action centre is the operational body which executes the policies of the NMAA and is the focal point for coordinating mine action activities on the ground. In contexts where the mine/ERW problem is severe, the centre will have a wide range of responsibilities and duties.

Below are the principal points governing the creation of a MAC that will need to be considered in developing national mine action legislation.

**1. The establishment of the MAC.** Similar to the NMAA, the MAC should be clearly established by the legislation and identified as the body coordinating mine action within the country.

**2. Funding.** The law should indicate the source of the MAC's funding. Its activities, including the salaries of its staff, are typically drawn from the national budget of the affected State. This will help ensure that the MAC has a reliable source of funding and can plan its activities accordingly. In addition to national funds, funds may also be obtained from international donors, private sources and other similar funding sources.

**3. Responsibilities.** As the body overseeing mine action at the operational level, the MAC will need to be charged with a range of responsibilities. Effective mine action legislation should give the MAC the authority to perform the following tasks:

- coordinate mine action within the country;
- manage and disseminate mine action information;
- prepare and implement a national mine action strategy and plan and annual workplans;
- set criteria for mine action priorities;
- accredit mine action operators and monitor mine action activities (*see below*);

- draft and adopt national mine action standards (*see below*);
- task mine action activities according to the national workplan;
- ensure the quality management of mine action activities; and
- act as the secretariat for the NMAA.

It is also useful to grant the MAC the authority to adopt subsidiary or administrative directives or regulations related to the above tasks. In addition to the above responsibilities, many administrative and procedural issues, such as employee regulations and the requirements for the accreditation of mine action operators, will also need to be developed. Such measures are not normally included in mine action legislation but left to internal orders and regulations. Nonetheless, legislation may give the MAC the authority to develop such regulations when necessary and submit them to the NMAA for approval. Depending on the operational structure, the MAC may not necessarily be the body that coordinates advocacy, victim assistance or stockpile destruction.

### The implementation of mine action activities

Mine action legislation must identify the components of mine action that will take place within the country. As the principal operational body for mine action, most activities will be the responsibility of the MAC. The MAC may undertake operations itself and/or coordinate the interventions of the government ministries, international organisations, NGOs and commercial operators.

The specific activities required in a particular country will vary depending on the nature of its mine/ERW problem. Mine action legislation should be designed to address the specific needs in the national context. The operations listed in Box 3 below are common to situations where the mine/ERW problem is severe. These activities should be included in mine action legislation.

### The accreditation and monitoring of mine action operators

Mine action must be conducted by qualified operators. Mine action legislation should require that operators be accredited prior to beginning activities in the country. This will ensure that international agencies, NGOs and commercial companies are capable of planning and managing mine action activities and competent to carry out particular mine action tasks. Requiring the accreditation of mine action operators will help ensure that mine action is conducted according to accepted standards and national priorities.

Mine action legislation should authorise the MAC to establish the criteria for accreditation and identify it as the body responsible for making such determination. The process of accreditation should include the opportunity of an appeal to the NMAA in the event of an adverse decision.

Accreditation generally applies to organisations involved in humanitarian mine clearance and mine risk education and, in some cases, stockpile destruction. The MAC would not normally be responsible for accrediting organisations conducting victim assistance services or organisations involved in advocacy.

### Box 3. Mine action activities to be listed in mine action legislation

- **The survey, mapping and marking of mined/ERW-contaminated areas.** One of the primary activities often undertaken by the MAC is the identification, recording and marking of areas dangerous due to the presence of mines and ERW. These activities are the starting point for other mine action activities, such as mine/ERW clearance, mine risk education and coordination of the activities of external agencies or local operators. Including these activities in mine action legislation should provide the legal basis for granting surveyors and other personnel access to contaminated territory, government officials and information to allow them to carry out their activities.
- **Clearance.** Once areas contaminated by mines and ERW are identified, recorded and marked they need to be cleared. As mentioned above, mine action legislation will help clearance personnel gain access into contaminated areas and to information to facilitate their work.
- **Mine/ERW risk education.** Teaching civilians how to live safely in mine/ERW contaminated environment is an important part of minimising the risk of becoming a victim of these weapons. Risk education is often neglected as an element of mine action legislation and should be specifically included in legislation. This would provide the basis for incorporating mine risk education into the curriculum of schools, where appropriate, as well as into the local and national media.
- **Responsibility for mine/ERW data.** The MAC is responsible for collating information on the location of mine/ERW-affected areas and information on mine/ERW accidents. The MAC usually controls the main database storing this information and — in coordination with the national mapping agency — produces maps, charts and other information for use by mine action operators. Granting this responsibility in legislation will provide the MAC a legal basis to undertake these activities and help avoid potential conflicts with other national mapping agencies.
- **Stockpile destruction.** States that are a party to the Anti-Personnel Mine Ban Convention are obliged to destroy all stocks of their anti-personnel mines. A number of States have included this requirement in their mine action legislation and assigned a role in this area to the MAC. Including this in legislation would be the domestic legal basis for developing regulations on the possession, transport, storage and destruction of anti-personnel mines and other similar weapons.
- **Victim assistance.** Providing medical care, rehabilitation and reintegration to those who have been injured by mines or ERW is also an important part of mine action. Victim assistance is often the responsibility of the ministries linked to public health and social services. As the focal point for national mine action, the MAC may be given a coordinating role in this area, if one is needed, or work with the relevant ministries to help identify victims requiring medical, rehabilitative or social aid. Including this activity in legislation can facilitate coordination between the various agencies involved in this area.



Quality management is critical to the ultimate success of mine action. Thus, the MAC must also ensure that ongoing work and completed projects have been conducted according to national standards and in accordance with the priorities of the national mine action plan. In the process of mine clearance, the monitoring of organisations before and during the clearance process and inspecting cleared land prior to its formal release will ensure that the operation has been conducted safely and in accordance with the contractual obligations –and that the land is safe for its intended use.

### **Box 4. The International Mine Action Standards (IMAS)**

International standards have been developed for many of the activities listed in Box 3. They provide essential guidance on how mine action can be conducted safely, effectively and efficiently. They also contain important information on the accreditation and monitoring of mine action organisations. Mine action legislation should require that national mine action standards be developed based on the IMAS. The IMAS are available online at [www.mineactionstandards.org](http://www.mineactionstandards.org). UNMAS, UNDP and the GICHD can provide assistance in the application and interpretation of the IMAS and should be contacted for further information. Contact details for these agencies are provided in Appendix 2.

## **Additional elements to be considered**

### ***Definitions***

Clear definitions are an important part of any legislation. Mine action legislation should include definitions of the mine action terms used in its provisions. These may include: mine action, humanitarian demining, mine risk education, victim assistance and other definitions. Definitions for these terms, based on the IMAS, are included in the glossary in Appendix 4. Using IMAS definitions wherever possible will help ensure consistency between the standards and the terms of the legislation. However, in some instances, the definitions may need to be modified in the light of the situation on the ground in the mine/ERW-affected country concerned.

If mine action legislation is to include aspects on the implementation of the Anti-Personnel Mine Ban Convention or Amended Protocol II or Protocol V of the Convention on Certain Conventional Weapons (*see below*), it is important that the legislation use the definitions contained in those instruments. This will help ensure cohesiveness between these international treaties and the provisions of the legislation.

### ***The implementation of international treaty obligations***

Some States that are a party to the Anti-Personnel Mine Ban Convention or Amended Protocol II or Protocol V to the Convention on Certain Conventional Weapons have also used the adoption of mine action legislation

as a means to implement the requirements of these treaties. Among other things, the Anti-Personnel Mine Ban Convention requires the marking and clearing of mined areas, and the destruction of anti-personnel mine stockpiles. Amended Protocol II also contains obligations for marking and clearance of mines, booby-traps and other devices. These activities will often fall under the jurisdiction of the NMAA or MAC.

Other States have chosen to make the treaties the subject of separate implementing legislation.

Either approach is acceptable to the broader mine action community. It is up to each State to decide the best method of meeting its mine action objectives and the implementation of the treaties to which it is a party.

### ***Liability for accidents***

Liability for mine/ERW accidents is a concern for many mine action operators. In recent years there have been instances where victims or families of victims have sought civil damages or brought criminal complaints for accidents which have happened in land previously certified as cleared, or where markings have deteriorated or been removed without authorisation. The case in Bosnia and Herzegovina highlighted in *A Study of National Mine Action Legislation* is an example of a recent instance where the family of a boy killed by a mine has brought charges against a mine action operator.

The principal way to minimise the risk of such accidents is to ensure that mine action interventions are conducted according to the IMAS. In the event that accidents occur, some operators have sought to have immunity from civil or criminal complaints included in mine action legislation. Granting such immunity is a decision to be made by the State concerned. Nevertheless, many of the international agencies in mine action strongly recommend that States take measures to limit the liability of mine action operators. One possible option is to treat mine action in similar ways under national law to other dangerous activities conducted for the public benefit (e.g. law enforcement agencies or public utilities). Another possibility is to limit liability or transfer responsibility to the government once land has been surveyed and marked according to standing operating procedures, or certified as safe following clearance. In order to protect against claims or lawsuits that may arise, mine action operators should be encouraged to retain liability insurance against accidents, wherever it is available.

Mine action legislation is an important, but often overlooked, part of a country's response to mine/ERW contamination. Consideration of the elements presented in this document will help create a framework to benefit and support mine action on the ground. The adoption of comprehensive legislation will help ensure that mine action can proceed effectively and efficiently, and meet the requirements of the broader mine action community. This will help facilitate the rapid removal of mines/ERW, help reduce the long-term impact of a past conflict and, perhaps most importantly, save the lives and limbs of the people living in affected areas.

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## **4. Concluding remarks**

Mine action legislation is an important, but often overlooked, part of a country's response to mine/ERW contamination. Consideration of the elements presented in this document will help create a framework to benefit and support mine action on the ground. The adoption of comprehensive legislation will help ensure that mine action can proceed effectively and efficiently, and meet the requirements of the broader mine action community. This will help facilitate the rapid removal of mines/ERW, help reduce the long-term impact of a past conflict and, perhaps most importantly, save the lives and limbs of the people living in affected areas.

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## Endnotes

1. Under Protocol V to the Convention on Certain Conventional Weapons, explosive remnants of war are defined as unexploded ordnance (ERW) and abandoned explosive ordnance (AXO) resulting from an armed conflict.
2. See [www.mineactionstandards.org](http://www.mineactionstandards.org).
3. ICRC (2001), available at [www.icrc.org](http://www.icrc.org).
4. See IMAS 04.10, Second Edition, 1 January 2003, Standard 3.127.
5. IMAS 01.10, Second Edition, 1 January 2003, 5.1.
6. In certain situations (e.g. where the national government does not exist or is not functioning), it may be necessary and appropriate for the UN or some other recognised international body to assume some or all of the responsibilities or fulfil some of the functions of the NMAA.
7. The formal process through which national laws are proposed and adopted is normally outlined in a country's constitution.
8. GICHD (2003).
9. Decrees and similar instruments can also be useful where the mine/ERW problem is not severe but localised and protracted mine action is not required. In such instances it may be sufficient to allocate tasks among the relevant actors by decrees or other administrative or regulatory instruments.
10. In many contexts, mine action activities can begin prior to the adoption of legislation, decrees, or other legal instruments establishing an NMAA or a MAC. Such activities are often conducted by international organisations, NGOs or other agencies. These activities should be allowed to continue while national law is being developed.

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## Bibliography

GICHD (2003)

*A Study of National Mine Action Legislation*, GICHD, Geneva.

GICHD/UNDP (2002)

*Socio-Economic Approaches to Mine Action, An Operational Handbook*, GICHD/UNDP, Geneva.

\_\_\_\_\_ (2001)

*A Study of Socio-Economic Approaches to Mine Action*, GICHD/UNDP, Geneva.

ICRC (International Committee of the Red Cross) (2001)

*Information Kit: Development of National Legislation to Implement the Convention on the Prohibition of Anti-Personnel Mines*, ICRC, Geneva, May.

VERTIC (2001)

*Guide to Reporting Under Article 7 of the Ottawa Convention*, VERTIC, London, available at [www.vertic.org](http://www.vertic.org).

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## Appendix 1

# Suggested language for inclusion in national mine action legislation

The legal systems of countries can differ significantly. Generally, the structure of national legislation is determined by a country's legal tradition and its constitutional requirements. It is therefore difficult to draft the text of national mine action legislation that will be appropriate for every mine/ERW-affected State. As this guide has indicated, there are certain elements that are widely viewed by the mine action community as necessary components of effective mine action legislation. Below is suggested language that may help countries develop provisions on the basic points outlined in this document.

## **An Act to empower and regulate mine action in the Republic of Freedonia**

### **A. Purpose of the Act**

This Act is intended to empower and regulate mine action in Freedonia.

### **B. Definitions**

For the purposes of this Act the following definitions shall apply.

"Accident" refers to a planned or unplanned explosion of a mine or explosive remnant of war that leads to death or injury of a person or persons.

"Accreditation" refers to the procedure by which a mine action operator is formally recognised as competent and able to plan, manage and operationally conduct mine action activities safely, effectively and efficiently.

"Demining" refers to activities which lead to the removal of mine and explosive remnants of war hazards, including technical survey, mapping, clearance, marking, post-clearance documentation, community mine action liaison and the handover of cleared land.

"Explosive remnants of war" or "ERW" refer to unexploded ordnance (ERW) and abandoned explosive ordnance (AXO). ERW is explosive ordnance that has been primed, fuzed, armed or otherwise prepared for use or used. It

may have been fired, dropped, launched or projected yet remains unexploded either through malfunction or design or for any other reason. AXO is explosive ordnance that has not been used during an armed conflict, that has been left behind or dumped by a party to an armed conflict, and which is no longer under control of the party that left it behind or dumped it. Abandoned explosive ordnance may or may not have been primed, fuzed, armed or otherwise prepared for use.

‘Handover of land’ refers to the release of cleared land by the Freedomian Mine Action Centre to the owner of the land or local authority responsible for that land.

‘Mine’ refers to any munition designed to be placed under, on or near the ground or other surface area and to be exploded by the presence, proximity or contact of a person or a vehicle.

‘Mine action operator’ refers to any organisation or entity, legal or natural person, whether national or international, that provides assistance to mine or explosive remnants of war survivors, mine risk education, or undertakes demining activities, and which is tasked by the Freedomian Mine Action Centre.

‘Mine action’ refers to activities which aim to reduce the social, economic and environmental impact of mines and ERW. Mine action comprises five complementary pillars:

- a) mine risk education;
- b) demining, i.e. mine and ERW survey, mapping, marking and clearance;
- c) victim assistance, including rehabilitation and reintegration;
- d) stockpile destruction; and
- e) advocacy against the use of anti-personnel mines.

‘Mine action standard’ refers to a documented agreement containing technical specifications or other precise criteria to be used consistently within mine action as rules, guidelines, or definitions of characteristics to ensure that materials, products, processes and services are fit for their purpose.

‘Quality management’ refers to coordinated activities to direct and control a mine action operator with regard to quality. Quality management comprises both quality assurance and quality control. The purpose of quality assurance in demining is to confirm that management practices and operational procedures for demining are appropriate, are being applied, and will achieve the stated requirement in a safe, effective and efficient manner. Quality control is part of quality management focused on fulfilling quality requirements. Quality control relates to the inspection of a finished product. In the case of demining, the ‘product’ is safe cleared land.

‘Standing operating procedures’ refer to instructions which define the preferred or currently established method of conducting an operational task or activity.

‘Survivor’ refers to any individual who has been injured by the explosion of a landmine or any explosive remnant of war and who has survived.

‘Victims’ refers to any individuals who have been injured or killed and their families who suffer emotional, social or financial harm and also to communities who lose access to land and other community resources.

## C. The Freedomian National Mine Action Authority

The constitution and membership of the Freedomian National Mine Action Authority

1. There shall be constituted a Freedomian National Mine Action Authority (“The Authority”) in accordance with the present Act.
2. The Authority shall be composed of X regular members, namely a representative at the level of at least \_\_\_ from the following ministries: Agriculture; Defence; Education; Foreign Affairs; Health; Interior; Labour and Social Welfare; and Planning. If a member is unable to attend a meeting for any reason the respective Minister may designate a replacement. Other ministries may be invited to participate in the work of The Authority by agreement of The Authority but shall not be entitled to vote.
3. The Authority may decide to establish technical committees on any aspect of mine action. If it so decides, it shall agree on the objectives, scope of work and rules of procedure for a technical committee.
4. The Authority may decide to establish a trust fund to receive and disburse funds allocated to mine action activities. If it so decides, it shall agree on the appropriate management and regulation of such a fund.
5. Representatives of other governments, the United Nations, the International Committee of the Red Cross, and other relevant international and non-governmental organisations may be invited by the Chair of The Authority to participate as observers in its work or in the work of any technical committee.

### *Meetings of the Freedomian National Mine Action Authority*

6. Under the auspices of the Minister of \_\_\_, The Authority shall meet regularly, but not less than twice a year unless and until The Authority decides otherwise. The Authority may establish rules of procedure to guide its work.
7. A meeting of The Authority may be convened by the Chair of The Authority on his or her own initiative or upon request from any member of The Authority.
8. All meetings of The Authority shall be chaired by \_\_\_, unless otherwise agreed by The Authority.
9. The Director of the Freedomian Mine Action Centre shall serve as the Secretary to The Authority.

### *The roles and responsibilities of the Freedomian National Mine Action Authority*

10. The Authority shall have overall responsibility for the national mine action programme in Freedomia.
11. The Authority shall also have overall responsibility for the mobilisation of resources for the national mine action programme.
12. The Authority shall be responsible for ensuring the implementation of this Act. It shall also adopt and oversee the implementation of a national



- mine action strategy and annual work-plan, which shall include explicit criteria for determining mine action priorities. It shall also review and approve or reject any requests from the Freedomian Mine Action Centre for urgent or emergency tasks not included in the applicable annual work-plan.
13. The Authority shall report on progress in fulfilling these obligations at least twice a year to the Parliament of Freedomia.
  14. The Authority shall adopt, as it deems necessary and appropriate, subsidiary regulations governing any aspect of mine action.
  15. The Authority shall agree on the criteria for accreditation of any organisation to carry out mine action in Freedomia. Such criteria may be general or specific to any mine action activity.
  16. The Authority shall ensure that all deminers tasked by the Freedomian Mine Action Centre (FREEMAC) are insured or compensated in the event of an accident during the course of their work that kills or injures them. In the event of the death of the deminer, that insurance or compensation shall be payable to their next of kin.
  17. The Authority shall oversee the work of FREEMAC, the director of which will be appointed by, and report to, The Authority. The Authority shall approve the terms of reference for the Director of FREEMAC. It shall also approve the structure and staffing needs of FREEMAC and review and approve senior staff appointments made by the Director of FREEMAC. It shall also be entitled to approve or reject a proposal for any new regional mine action centre put forward by FREEMAC.
  18. The Authority has the authority, by decision of at least two-thirds of all its regular members, to remove the Director of FREEMAC before the expiry of his or her term of office, if deemed necessary based on serious professional misconduct or a failure to meet his or her terms of reference.

### ***Decision-making by the Freedomian National Mine Action Authority***

19. A quorum for any decision by The Authority shall require the presence of not less than three of its regular members.
20. Except as provided for in paragraph 13 above, The Authority shall take all decisions on substantive or procedural matters by a simple majority of its regular members present and voting, provided that there is a quorum at the meeting. In case of a tied vote, the Chair's view shall be decisive.
21. All decisions shall be in line with the Constitution of Freedomia, existing legislation and government policies. If any government ministry feels that a decision taken by The Authority is not consistent with the Constitution of Freedomia, existing legislation or government policies, or has been made without consideration of all relevant information, it shall be entitled to request the Chair to convene an emergency meeting of The Authority to review the decision and shall be entitled to participate in that meeting.

## **D. The Freedomian Mine Action Centre**

### ***The establishment of the Freedomian Mine Action Centre***

1. There shall be established a Freedomian Mine Action Centre (FREEMAC) as a legal entity under Freedomian law and in accordance with the present Act.
2. Staff appointment within FREEMAC shall be determined by application to the Director of FREEMAC in accordance with the structure of FREEMAC agreed by the Freedomian National Mine Action Authority ('The Authority').
3. The costs of FREEMAC will be funded from the national budget supplemented by international donations and funding, where available.

### ***The roles and responsibilities of the Freedomian Mine Action Centre***

4. The role of FREEMAC is to coordinate all operational mine action activities in Freedomia.
5. Operational mine action in Freedomia includes the following activities:
  - a) mine and explosive remnants of war (ERW) clearance;
  - b) mine risk education;
  - c) mine and ERW survey, mapping and marking;
  - d) mine and ERW victim assistance;
  - e) anti-personnel mine stockpile destruction; and
  - f) mine action information management.
6. FREEMAC shall draft, and update as required, a multi-year national mine action strategic plan and annual workplans, including the criteria for tasking mine action activities, for adoption by The Authority.
7. FREEMAC will submit on a regular basis, but not less than once every six months, a written report to The Authority on progress in the implementation of the agreed national mine action strategic plan and relevant annual workplan.
8. FREEMAC shall be responsible for tasking mine action activities in accordance with the priorities for mine action, as set out in the agreed national strategic plan and relevant annual workplan. The priorities for mine action tasks shall reflect the needs of communities affected by landmines and ERW and shall be communicated to them. In case of an urgent or emergency task not included in the relevant annual workplan, emergency approval may be sought from The Authority.
9. FREEMAC shall be responsible for drafting national technical and safety standards based on the International Mine Action Standards to regulate mine action activities in the country. These shall be submitted for adoption by The Authority.
10. FREEMAC shall be responsible for managing a national mine action database. It shall receive and exchange mine action information in accordance with the identified needs of the beneficiaries of mine action activities, other ministries and mine action operators. Requests for

confidentiality as well as the rights of mine and ERW survivors to privacy shall, however, be respected in all circumstances.

11. FREEMAC shall accredit all operational mine action operators that meet the written criteria for accreditation determined by The Authority. Accreditation shall be provided free of charge.
12. It shall be responsible for monitoring compliance by mine action operators with the terms of their accreditation.
13. Where an accredited operator fails to comply with the terms of its accreditation its operations shall be suspended until necessary remedial action is taken so that it can again comply with these terms.
14. An accredited operator whose accreditation is refused or suspended shall have a right of appeal to The Authority.
15. FREEMAC shall be responsible for ensuring appropriate quality management of mine action activities.
16. FREEMAC shall develop reporting formats for mine action activities to be completed by all accredited mine action operators.
17. FREEMAC shall be responsible for handing over land cleared or otherwise deemed safe to the beneficiary communities. It shall determine and follow a process appropriate for such handover.
18. FREEMAC shall be responsible for ensuring the destruction or safe disposal of all landmines and items of ERW cleared by any accredited demining teams in Freedomia or otherwise received by FREEMAC.
19. FREEMAC shall be responsible for ensuring independent investigation by the relevant authorities of any accidents on land cleared or otherwise deemed safe.
20. FREEMAC shall be responsible for investigating any accidents that occur on land during the course of demining and shall submit a report to The Authority for its consideration.
21. In the event of an item of explosive ordnance being discovered on land cleared or otherwise deemed safe, it shall conduct an investigation and shall submit a report to The Authority for its consideration.
22. Subject to the approval of The Authority, FREEMAC may establish regional mine action centres to assist it in the implementation of its work.
23. The Director of FREEMAC shall act as the Secretary to The Authority.
24. In the discharge of its activities, FREEMAC may adopt subsidiary directives or regulations, as necessary and appropriate. These directives or regulations shall be submitted to The Authority for its approval.

## **E. Mine action operators**

1. All mine action operators shall be responsible for ensuring compliance with applicable mine action technical and safety standards.
2. All mine action operators conducting mine clearance operations shall be required to ensure that deminers are insured or compensated in the event of an accident during the course of their work that kills or injures them. In the event of the death of the deminer, that insurance or compensation shall be payable to their next of kin.
3. All mine action operators shall be responsible for drafting standing

operating procedures in accordance with applicable technical and safety standards.

4. All mine action operators shall report to the Freedonian Mine Action Centre according to procedures determined by FREEMAC, including the provision of data for the national mine action database.
5. The work-plan of mine action operators and its subsequent implementation shall, to the maximum extent possible, reflect national priorities as set out in the strategic plan and relevant annual work-plan of the mine action programme.
6. All mine action operators shall be required to comply with legislation in force in Freedonia, including the present Act, and to carry out their activities in a manner consistent with their mandate.

# Contact organisations for the development of mine action legislation

Below are the contact details of organisations that can provide assistance in the development of mine action legislation. In addition to the information provided here, UNDP and UNMAS have offices in a number of mine/ERW-affected countries, which can be contacted directly for assistance.

### Geneva International Centre for Humanitarian Demining (GICHD)

7 bis Avenue de la Paix  
P.O. Box 1300  
CH-1211 Geneva 1  
Switzerland  
Tel: + (41) 22 906 1660  
Fax: + (41) 22 906 1690  
e.filippino@gichd.ch

### United Nations Mine Action Service (UNMAS)

Two United Nations Plaza, DC2-650  
United Nations  
New York  
NY 10017  
United States of America  
Tel: + (1) 212 963 1875  
Fax: + (1) 212 963 2498  
E-mail: MineAction@un.org

### United Nations Development Programme (UNDP)

Mine Action Team  
United Nations Development Programme  
One United Nations Plaza, 20<sup>th</sup> floor  
New York  
NY 10017  
United States of America  
Tel: + (1) 212 906 5000  
Fax + (1) 212 906 6887  
E-mail: mineaction@undp.org

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## Appendix 3.

### Glossary of acronyms

AXO	abandoned explosive ordnance
CCW	Convention on Certain Conventional Weapons (1980)
ERW	explosive remnants of war
GICHD	Geneva International Centre for Humanitarian Demining
ICRC	International Committee of the Red Cross
IMAS	International Mine Action Standards
IMSMA	Information Management System for Mine Action
MAC	mine ction centre
NGO	non-governmental organisation
NMAA	national mine action authority
UN	United Nations
UNDP	United Nations Development Programme
UNMAS	United Nations Mine Action Service
UXO	unexploded ordnance

## Selected definitions of key terms IMAS Second Edition, 1 January 2003 incorporating amendment number(s) 1 & 2

### **abandoned explosive ordnance (AXO)**

**explosive ordnance** that has not been used during an armed conflict, that has been left behind or dumped by a party to an armed conflict, and which is no longer under control of the party that left it behind or dumped it. Abandoned explosive ordnance may or may not have been primed, fuzed, armed or otherwise prepared for use. (CCW protocol V)

### **accident**

an undesired event which results in **harm**.

### **accreditation**

the procedure by which a **demining organisation** is formally recognised as competent and able to plan, manage and operationally conduct mine action activities safely, effectively and efficiently.

Note: For most mine action programmes, the **NMAA** will be the body which provides accreditation. International organisations such as the United Nations or regional bodies may also introduce accreditation schemes.

Note: ISO 9000 usage is that an “**accreditation**” **body** accredits the ‘Certification or Registration’ bodies that award ISO 9000 certificates to organisations. The usage in IMAS is completely different to this, and is based on the main definition above, which is well understood in the mine action community.

### **accreditation body**

an organisation, normally an element of the **NMAA**, responsible for the management and implementation of the national **accreditation** system.

### **advocacy**

*in the context of mine action, the term refers to ...* public support, recommendation or positive publicity with the aim of removing, or at least reducing, the **threat** from, and the **impact** of, **mines** and **UXO**.

### **Amended Protocol II (APII)**

Amended Protocol II (APII) to the 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 (CCW).

Note: It prohibits the use of all undetectable **anti-personnel mines** and regulates the use of wider categories of **mines**, **booby-traps** and other devices. For the purposes of the IMAS, Article 5 lays down requirements for the **marking** and

**monitoring of mined areas.** Article 9 provides for the recording and use of information on **minefields** and mined areas. The Technical Annex provides guidelines on, inter alia, the recording of information and international signs for minefields and mined areas.

### **ammunition**

see **munition**

### **anti-handling device**

a device intended to protect a **mine** and which is part of, linked to, attached or placed under the mine and which activates when an attempt is made to tamper with or otherwise intentionally disturb the mine. [MBT]

### **Anti-Personnel Mine Ban Convention (APMBC)**

Ottawa Convention

Mine Ban Treaty (MBT)

Note: Provides for a complete ban on the use, stockpiling, production and transfer of anti-personnel mines (**APMs**) and on their destruction. For the purposes of **IMAS** documents, Article 5 of the APMBC lays down requirements for the destruction of APMs in mined areas. Article 6 details transparency measures required under the Treaty including information on the location of mined or suspected **mined areas** and measures taken to warn the local population.

### **anti-personnel mine (APM)**

a **mine** designed to be exploded by the presence, proximity or contact of a person and that will incapacitate, injure or kill one or more persons.

Note: Mines designed to be detonated by the presence, proximity or contact of a vehicle as opposed to a person that are equipped with anti-handling devices, are not considered APM as a result of being so equipped. [MBT]

### **area reduction**

the process through which the initial area indicated as contaminated (during any information gathering activities or surveys which form part of the **GMAA** process) is reduced to a smaller area.

Note: Area reduction may involve some limited **clearance**, such as the opening of access routes and the **destruction** of **mines** and **UXO** which represent an immediate and unacceptable **risk**, but it will mainly be as a consequence of collecting more reliable information on the extent of the **hazardous area**. Usually it will be appropriate to mark the remaining hazardous area(s) with **permanent** or **temporary marking systems**.

Note: Likewise, area reduction is sometimes done as part of the clearance operation.

### **battle area clearance (BAC)**

the systematic and controlled clearance of hazardous areas where the **threat** is known not to contain **mines**.

### **benchmark**

*in the context of humanitarian demining, the term refers to ... a fixed point of reference used to locate a marked and recorded **hazard** or **hazardous area**. It should normally be located a short distance outside the hazardous area.*

Note: A benchmark may not be necessary if the **reference point** is sufficiently close to the perimeter of the **hazardous area**.

### **bomblet**

see **submunition**.



**booby trap**

an **explosive** or non-explosive device, or other material, deliberately placed to cause casualties when an apparently harmless object is disturbed or a normally safe act is performed. [AAP-6]

**cancelled area**

an area previously recorded as a **hazardous area** which subsequently is considered, as a result of actions other than **clearance**, not to represent a **risk from mines and UXO**.

Note: This change in status will be the result of more accurate and reliable information, for example from technical survey, and will normally only be authorised by the **NMAA**, in accordance with national **policy**. The documentation of all **cancelled areas** shall be retained together with a detailed explanation of the reasons for the change in status.

**clearance**

(explosive ordnance clearance [EOC])

tasks or actions to reduce or eliminate the **explosive ordnance (EO)** hazards from a **specified area**. [NATO Study 2187]

**cleared area**

cleared land

an area that has been physically and systematically processed by a **demining organisation** to ensure the removal and/or **destruction** of all **mine and UXO hazards** to a **specified depth**.

Note: IMAS 09.10 specifies the **quality system** (i.e. the organisation, procedures and responsibilities) necessary to determine that land has been cleared by the demining organisation in accordance with its contractual obligations.

Note: Cleared areas may include land cleared during the **technical survey** process, including **boundary lanes** and **cleared lanes**.

**cleared lane**

safety lane

the generic term for any lane, other than a **boundary lane**, cleared by a survey or clearance team to the international standard for **cleared land**. This may include **access lanes** outside the **hazardous area** or cross/verification lanes inside a hazardous area.

**cluster bomb unit (CBU)**

an expendable aircraft store composed of a dispenser and **sub-munitions**. [AAP-6]

a bomb containing and dispensing sub-munitions which may be **mines** (anti-personnel or anti-tank), penetration (runway cratering) bomblets, fragmentation bomblets etc.

**community liaison**

community mine action liaison

liaison with **mine/UXO** affected communities to exchange information on the presence and **impact** of mines and UXO, create a reporting link with the **mine action** programme and develop **risk reduction** strategies. Community mine action liaison aims to ensure community needs and priorities are central to the planning, implementation and **monitoring** of mine action operations.

Note: Community liaison is based on an exchange of information and involves communities in the decision making process, (before, during and after **demining**), in order to establish priorities for mine action. In this way mine action programmes aim to be inclusive, community focused and ensure the maximum involvement of all sections of the community. This involvement includes joint planning, implementation, monitoring and **evaluation** of projects.

Note: Community liaison also works with communities to develop specific interim safety strategies promoting individual and community behavioural change. This is designed to reduce the impact of mines/UXO on individuals and communities until such time as the **threat** is removed.

### **contractor**

any organisation (governmental, non-government or commercial entity) contracted to undertake a mine action activity. The organisation responsible for the conduct of the overall contract is referred to as the 'prime contractor'. Other organisations or parties the prime contractor engages to undertake components of the larger contract are referred to as 'sub-contractors'. Sub-contractors are responsible to the prime contractor and not to the principal.

### **deminer**

a person qualified and employed to undertake **demining** activities on a **demining worksite**.

### **demining**

humanitarian demining

activities which lead to the removal of **mine and UXO hazards**, including **technical survey**, mapping, **clearance**, **marking**, post-clearance documentation, **community mine action liaison** and the **handover** of **cleared land**. Demining may be carried out by different types of organisations, such as NGOs, commercial companies, national **mine action** teams or military units. Demining may be emergency-based or developmental.

Note: in IMAS standards and guides, **mine and UXO clearance** is considered to be just one part of the demining process.

Note: in IMAS standards and guides, demining is considered to be one component of mine action.

Note: in IMAS standards and guides, the terms demining and humanitarian demining are interchangeable.

### **demining accident**

an **accident** at a **demining workplace** involving a **mine** or **UXO hazard** (c.f. mine accident).

### **demining incident**

an **incident** at a **demining workplace** involving a **mine** or **UXO hazard** (c.f. mine incident).

### **demining organisation**

refers to any organisation (government, NGO, military or commercial entity) responsible for implementing demining projects or tasks. The demining organisation may be a prime contractor, subcontractor, consultant or agent.

### **demolition ground**

an area authorised for the **destruction** of **munitions** and **explosives** by **detonation**.

**destroy (destruction) in situ**

blow in situ.

the **destruction** of any item of ordnance by **explosives** without moving the item from where it was found, normally by placing an **explosive** charge alongside.

**destruction**

the process of final conversion of **munitions** and **explosives** into an **inert** state whereby they can no longer function as designed.

**detection**

*in the context of humanitarian demining, the term refers to ....* the discovery by any means of the presence of **mines** or **UXO**.

**detonation**

the rapid conversion of **explosives** into gaseous products by means of a shock wave passing through the explosive (c.f. deflagration). Typically, the velocity of such a shock wave is more than two orders of magnitude higher than a fast deflagration.

**detonator**

a device containing a sensitive **explosive** intended to produce a **detonation** wave. [AAP-6]

**disarm**

the act of making a **mine** safe by removing the **fuze** or igniter. The procedure normally removes one or more links from the firing chain.

**disposal site**

an area authorised for the destruction of **munitions** and **explosives** by **detonation** and burning.

**donor**

all sources of funding, including the government of mine affected states.

**education**

the imparting and acquiring over time of knowledge (awareness or possession of facts, ideas, truths or principles), attitude and practices through teaching and learning. [Oxford Concise English Dictionary]

**environmental factors**

factors relating to the environment and that influence the transportation of odour from the **mine**, the **detection** of the target odour or the ability of people and dogs to work safely and effectively. (i.e. Wind, rain, temperature, humidity, altitude, sun and vegetation). (Definition for **MDD** use only).

**evaluation**

the analysis of a result or a series of results to establish the quantitative and qualitative effectiveness and worth of software, a component, **equipment** or system, within the environment in which it will operate.

Note: Definition when used in context of equipment test and evaluation.

a process that attempts to determine as systematically and objectively as possible the merit or value of an intervention.

Note: The word 'objectively' indicates the need to achieve a balanced analysis, recognising bias and reconciling perspectives of different stakeholders (all

those interested in, and affected by programmes, including beneficiaries as primary stakeholders) through use of different sources and methods.

Note: Evaluation is considered to be a strategic exercise.

Note: Definition when used in relation to programmes. (*UNICEF Policy and Programming Manual*)

### **explosive ordnance (EO)**

all munitions containing **explosives**, nuclear fission or fusion materials and biological and chemical agents. This includes bombs and warheads; guided and ballistic missiles; artillery, mortar, rocket and small arms **ammunition**; all **mines**, torpedoes and depth charges; pyrotechnics; clusters and dispensers; cartridge and propellant actuated devices; electro-explosive devices; clandestine and improvised explosive devices; and all similar or related items or components explosive in nature. [AAP-6]

### **explosive ordnance disposal (EOD)**

the **detection**, identification, evaluation, **render safe**, recovery and **disposal** of EO. EOD may be undertaken:

as a routine part of **mine clearance** operations, upon discovery of the **UXO**. to dispose of **UXO** discovered outside **mined areas**, (this may be a single **UXO**, or a larger number inside a specific area).

to dispose of **EO** which has become **hazardous** by deterioration, damage or attempted **destruction**.

### **explosive remnants of war (ERW)**

unexploded ordnance (**UXO**) and abandoned explosive ordnance (**AXO**). (CCW protocol V).

### **explosives**

a substance or mixture of substances which, under external influences, is capable of rapidly releasing energy in the form of gases and heat. [AAP-6] failure

an event in which any system, **equipment**, components or sub-components does not perform as previously specified.

Note: Failures may be classified as to cause, degree, relevance, dependence and responsibility.

### **GIS**

geographical (or geospatial) information system

an organised collection of computer hardware, software, geographic data, and personnel designed to efficiently capture, store, update, manipulate, analyse, and display all forms of geographically referenced information.

Note: GIS allows a user to graphically view multiple layers of data based on their geographic distribution and association. GIS incorporates powerful tools to analyse the relationships between various layers of information.

### **ground preparation**

preparing of ground in a **minefield** or **hazardous area** by mechanical means by removing or reducing obstacles to clearance e.g. tripwires, vegetation, hard soil and metal contamination to make subsequent **clearance** operations quicker and safer.

**ground processing**

the practice of applying a mechanical tool or system to a **minefield** or **hazardous area** with the aim of clearing all of the **mines** or **UXO** within the mechanical tool or system's capabilities.

**handover**

the process by which the beneficiary (for example, the **NMAA** on behalf of the local community or land user) accepts responsibility for the **cleared area**. The term '**alienation**' is sometimes used to describe a change of ownership of the land which accompanies the handover of a cleared area.

**handover certificate**

documentation used to record the **handover** of **cleared land**.

**harm**

physical injury or damage to the **health** of people, or damage to property or the environment. [ISO Guide 51:1999(E)]

**harmful event**

occurrence in which a **hazardous situation** results in **harm**. [ISO Guide 51:1999(E)].

**hazard**

potential source of **harm**. [ISO Guide 51:1999(E)]

**hazard (ous) area**

contaminated area

a generic term for an area not in productive use due to the perceived or actual presence of **mines**, **UXO** or other **explosive** devices.

**impact**

the level of social and economic suffering experienced by the community resulting from the **harm** or **risk** of harm caused by **mine** and **UXO hazards** and **hazardous areas**.

Note: **Impact** is a product of:

- a) the presence of mine/UXO hazards in the community;
- b) **intolerable risk** associated with the use of infrastructure such as roads, markets etc;
- c) intolerable risk associated with livelihood activities such as use of agricultural land, water sources etc; and
- d) number of victims of **mine** and **UXO incidents** within the last two years.

**impact free**

a term applied to countries that may still have **mines** but where the **mined areas** are not having a negative socio-economic **impact** on communities, e.g. the mines may be in remote, marked and unpopulated areas.

**impact survey**

see **landmine impact survey (LIS)**

**IMSMA**

the Information Management System for Mine Action (IMSMA)

Note: This is the United Nation's preferred information system for the management of critical data in UN-supported field programmes. The Field Module (FM) provides for data collection, information analysis and project management. It

is used by the staffs of MACs at national and regional level, and by the implementers of **mine action** projects - such as **demining organisations**.

### **incident**

an event that gives rise to an **accident** or has the potential to lead to an accident.

### **insurance**

an arrangement for compensation in the event of damage to or loss of (property, life of a person).

Note: Insurance should include appropriate medical, death and disability coverage for all personnel as well as third party liability coverage.

Note: Such insurance need not necessarily have to be arranged through an insurance broker or company, unless otherwise required by contractual arrangements. Self insurance (under-writing) schemes, provided they are formally constituted on accepted actuarial principles and provide adequate cover, may be an acceptable alternative.

### **intended use (land)**

use of land following **demining** operations.

Note: Intended use: use of a product, process or service in accordance with information provided by the supplier. [ISO Guide 51:1999(E)]

Note: Intended land use should be included in the **clearance** task specification and clearance task **handover** documentation.

### **International Mine Action Standards (IMAS)**

documents developed by the UN on behalf of the international community, which aim to improve safety and efficiency in **mine action** by providing guidance, by establishing principles and, in some cases, by defining international requirements and specifications.

Note: They provide a frame of reference which encourages, and in some cases requires, the sponsors and managers of mine action programmes and projects to achieve and demonstrate agreed levels of effectiveness and **safety**.

Note: They provide a common language, and recommend the formats and rules for handling data which enable the free exchange of important information; this information exchange benefits other programmes and projects, and assists the mobilisation, prioritisation and management of resources.

### **landmine impact survey (LIS)**

impact survey

an assessment of the socio-economic **impact** caused by the actual or perceived presence of **mines** and **UXO**, in order to assist the planning and prioritisation of **mine action** programmes and projects.

### **level 2 survey**

the term previously used for a **technical survey**.

### **licence**

*in the context of mine action, the term refers to ..... a certificate issued by a NMAA in relation to the capacity or capability of a facility, for example a demolition site may be licensed for certain explosive limits and explosive storage areas may be licensed for certain types and quantities of munitions. **Demining organisations** receive organisational or operational **accreditation** from an accreditation body authorised by a NMAA.*

**marking**

emplacement of a measure or combination of measures to identify the position of a **hazard** or the boundary of a **hazardous area**. This may include the use of signs, paint marks etc, or the erection of physical barriers.

**marking system**

an agreed convention for the **marking** of **hazards** or **hazardous areas**.

**Memorandum of Understanding (MOU)**

a document used to facilitate a situation or operation when it is not the intention to create formal rights and obligations in international law but to express commitments of importance in a non-binding form.

**mine**

**munition** designed to be placed under, on or near the ground or other surface area and to be exploded by the presence, proximity or contact of a person or a vehicle. [MBT]

**mine accident**

an accident away from the **demining workplace** involving a **mine** or **UXO** hazard (c.f. **demining accident**).

**mine action**

activities which aim to reduce the social, economic and environmental **impact** of **mines** and **UXO**.

Note: Mine action is not just about demining; it is also about people and societies, and how they are affected by landmine contamination. The objective of mine action is to reduce the risk from landmines to a level where people can live safely; in which economic, social and health development can occur free from the constraints imposed by landmine contamination, and in which the victims' needs can be addressed. Mine action comprises five complementary groups of activities:

- a) MRE;
- b) humanitarian demining, i.e. mine and UXO survey, mapping, marking and clearance;
- c) victim assistance, including rehabilitation and reintegration;
- d) stockpile destruction; and
- e) advocacy against the use of APM.

Note: A number of other enabling activities are required to support these five components of mine action, including: assessment and planning, the mobilisation and prioritisation of resources, information management, human skills development and management training, **QM** and the application of effective, appropriate and safe equipment.

**mine action centre (MAC)**

mine action coordination centre (MACC)

an organisation that carries out **MRE** training, conducts reconnaissance of **mined areas**, collection and centralisation of mine data and coordinates local (**mine action**) plans with the activities of external agencies, of (mine action) NGOs and of local **deminers**. [UN Terminology Bulletin No. 349] For national mine action programmes, the MAC/MACC usually acts as the operational office of the **NMAA**.

**mine action coordination centre (MACC)**

see **mine action centre (MAC)**

**mine action organisation**

refers to any organisation (government, NGO, military or commercial entity) responsible for implementing mine action projects or tasks. The mine action organisation may be a prime **contractor**, subcontractor, consultant or agent.

**mine awareness**

see **mine risk education (MRE)**.

**mine clearance**

the clearance of **mines** and **UXO** from a **specified area** to a predefined standard.

**mine detection dog(s) (MDD)**

a dog trained and employed to detect **mines**, **UXO** and other **explosive** devices.

**mine free**

a term applied to an area that has been certified as clear of mines to a specified depth. Also applied to a country or an area that has not had a mine contamination problem.

**mine incident**

an incident away from the demining workplace involving a **mine** or **UXO** hazard (c.f. **demining incident**).

**mine risk**

the probability and severity of physical injury to people, property or the environment caused by the unintentional **detonation** of a mine or **UXO**. [Adapted from ISO Guide 51:1999(E)]

**mine risk education (MRE)**

activities which seek to reduce the risk of injury from mines/UXO by raising awareness and promoting behavioural change including **public information dissemination**, **education** and training, and **community mine action liaison**.

**mine risk reduction**

those actions which lessen the probability and/or severity of physical injury to people, property or the environment. [Adapted from ISO Guide 51:1999(E)] Mine risk reduction can be achieved by physical measures such as **clearance**, fencing or marking, or through behavioural changes brought about by **MRE**.

**mine sign**

a sign which, when placed as part of a **marking system**, is designed to provide warning to the public of the presence of **mines**.

**mine threat**

mine and **UXO** threat

an indication of the potential **harm** from the number, nature, disposition and detectability of **mines** and **UXO** in a given area.

**mined area**

an area which is dangerous due to the presence or suspected presence of **mines**. [MBT]



**minefield**

an area of ground containing **mines** laid with or without a pattern. [AAP-6]

**monitoring**

*in the context of mine action, the term refers to ....* the authorised observation, inspection or assessment by qualified personnel of worksites, facilities, equipment, activities, processes, procedures and documentation without taking responsibility for what is being monitored. Monitoring is usually carried out to check conformity with undertakings, procedures or standard practice and often includes recording and reporting elements.

*in the context of MRE, the term refers to ...*the process of measuring or tracking what is happening. This includes:

measuring progress in relation to an implementation plan for an intervention –programmes/projects/activities, strategies, policies and specific objectives.

measuring change in a condition or set of conditions or lack thereof (e.g., changes in the situation of children and women or changes in the broader country context).

definition from UNICEF *Policy and Programming Manual*.

**monitoring body**

an organisation, normally an element of the **NMAA**, responsible for management and implementation of the national monitoring system.

**MRE organisation**

any organisation, including governmental, non-governmental, civil society organisations (e.g. women’s union, youth union, red cross and red crescent societies), commercial entities and military personnel (including peace-keeping forces), which is responsible for implementing MRE projects or tasks. The MRE organisation may be a prime contractor, subcontractor, consultant or agent. The term ‘MRE sub-unit’ refers to an element of an organisation, however named, that is accredited to conduct one or more prescribed MRE activities such as a public information project, a schools based education project or a community mine action liaison project evaluation.

**munition**

a complete device charged with **explosives**, propellants, pyrotechnics, initiating composition, or nuclear, biological or chemical material for use in military operations, including **demolitions**. [AAP 6]

Note: In common usage, ‘munitions’(plural) can be military weapons, ammunition and equipment.

**national authority**

*in the context of stockpile destruction the term refers to ....* the government department(s), organisation(s) or institution(s) in each country charged with the regulation, management and coordination of stockpile destruction.

**national mine action authority (NMAA)**

the government department(s), **organisation(s)** or institution(s) in each mine-affected country charged with the regulation, management and coordination of **mine action**.

Note: In most cases the national **MAC** or its equivalent will act as, or on behalf of, the

NMAA.

Note: In certain situations and at certain times it may be necessary and appropriate for the UN, or some other recognised international body, to assume some or all of the responsibilities, and fulfil some or all the functions, of a NMAA.

### **permanent marking system**

a **marking system** having an indefinite period of use, usually requiring maintenance (c.f. **temporary marking system**).

### **personal protective equipment (PPE)**

all equipment and clothing designed to provide protection, which is intended to be worn or held by an employee at work and which protects him/her against one or more **risks** to his/her **safety** or **health**.

### **policy**

defines the purpose and goals of an organisation, and it articulates the rules, standards and principles of action which govern the way in which the organisation aims to achieve these goals.

Note: Policy evolves in response to strategic direction and field experience. In turn, it influences the way in which plans are developed, and how resources are mobilised and applied. Policy is prescriptive and compliance is assumed, or at least is encouraged.

### **post clearance inspection**

*in the context of **humanitarian demining**, the term refers to ...the process of measuring, examining, testing or otherwise comparing a sample of **cleared land** against the **clearance** requirements.*

### **prodding**

a procedure employed in the process of **demining** whereby ground is probed to detect the presence of sub-surface **mines** and/or **UXO** (c.f. **sapping**).

### **programme**

a group of projects or activities which are managed in a co-ordinated way, to deliver benefits that would not be possible were the projects and/or contracts managed independently.

### **project**

an endeavour in which human, material and financial resources are organised to undertake a unique scope of work, of given specification, within constraints of cost and time, so as to achieve beneficial change defined by quantitative and qualitative objectives.

### **project management**

the process by which a project is brought to a successful conclusion.

### **public education**

the process aimed at raising general awareness of the **mine** and **UXO** threat; through public information, formal and non-formal education systems.

Note: Public education is a mass mobilisation approach that delivers information on the mine/UXO threat. It may take the form of formal or non-formal education and may use mass media techniques.

Note: In an emergency situation, due to time constraints and the lack of available data, it is the most practical means of communicating safety information. In other situations it can support **community liaison**.

**public information dissemination**

information concerning the **mine** and **UXO** situation, used to inform or update populations. Such information may focus on particular issues, such as complying with mine ban legislation, or may be used to raise public support for the mine action programme. Such projects usually include risk reduction messages, but may also be used to reflect national mine action policy.

**quality assurance (QA)**

part of **QM** focused on providing confidence that quality requirements will be fulfilled. [ISO 9000:2000]

Note: The purpose of QA in **humanitarian demining** is to confirm that management practices and operational procedures for demining are appropriate, are being applied, and will achieve the stated requirement in a safe, effective and efficient manner. Internal QA will be conducted by **demining organisations** themselves, but external inspections by an external **monitoring body** should also be conducted.

**quality control (QC)**

part of **QM** focused on fulfilling quality requirements. [ISO 9000:2000]

Note: QC relates to the *inspection* of a finished product. In the case of **humanitarian demining**, the 'product' is **safe cleared land**.

**quality management (QM)**

coordinated activities to direct and control an organisation with regard to **quality**. [ISO 9000:2000]

**random sampling**

selection of **samples** by a process involving equal chances of selection of each item. Used as an objective or impartial means of selecting areas for **test** purposes.

**reduced area**

see **area reduction**

the area of **hazardous** land remaining after the process of area reduction. It is still referred to as a **hazardous area**.

**reference point**

landmark

a fixed point of reference some distance outside the **hazard(ous) area**. It should be an easily recognised feature (such as a cross-roads or a bridge) which can be used to assist in navigating to one or more **benchmarks**.

Note: Internationally these are often also referred to as Geodetic Points when they refer to a pre-surveyed location such as a trig point.

**research**

the systematic inquiry, examination and experimentation to establish facts and principles.

**residual risk**

*in the context of humanitarian demining, the term refers to .....* the risk remaining following the application of all reasonable efforts to remove and/or destroy all **mine** or **UXO hazards** from a **specified area** to a **specified depth**.

[Modified from ISO Guide 51:1999]

**risk**

combination of the probability of occurrence of **harm** and the severity of that **harm**. [ISO Guide 51:1999(E)]

**risk reduction**

actions taken to lessen the probability, negative consequences or both, associated with a particular **risk**.

**safe**

the absence of risk. Normally the term **tolerable risk** is more appropriate and accurate.

**safety**

the reduction of risk to a tolerable level. [ISO Guide 51:1999(E)]

**self-neutralisation**

action generated by means of a device integral to a **mine**, which renders the mine inoperative, but not necessarily **safe** to handle. In landmines, this process may be reversible. [AAP-6]

**specified area**

*in the context of humanitarian demining, the term refers to .....* that area for which **mine clearance** activity has been contracted or agreed, as determined by the **NMAA** or an **organisation** acting on its behalf.

**specified depth**

*in the context of humanitarian demining, the term refers to .....* the depth to which a **specified area** is contracted or agreed to be cleared of **mine** and **UXO hazards**, as determined by the **NMAA** or an **organisation** acting on its behalf.

**standard**

a standard is a documented agreement containing technical specifications or other precise criteria to be used consistently as rules, guidelines, or definitions of characteristics to ensure that materials, products, processes and services are fit for their purpose.

Note: **Mine action standards** aim to improve safety and efficiency in mine action by promoting the preferred procedures and practices at both headquarters and field level. To be effective, the standards should be definable, measurable, achievable and verifiable.

**standard operating procedures (SOPs)**

standing operating procedures (SOPs)

instructions which define the preferred or currently established method of conducting an operational task or activity.

Note: Their purpose is to promote recognisable and measurable degrees of discipline, uniformity, consistency and commonality within an organisation, with the aim of improving operational effectiveness and safety. SOPs should reflect local requirements and circumstances.

**standards**

requirements, specifications or other precise criteria, to be used consistently to ensure that materials, products, processes and services are fit for their purpose.

Note: **Mine action** standards aim to improve safety and efficiency in mine action by promoting the preferred procedures and practices at both headquarters and field level.

**standing operating procedures (SOPs)**  
see **standard operating procedures (SOPs)**.

**stockpile**  
*in the context of mine action, the term refers to ..... a large accumulated stock of EO.*

**stockpile destruction**  
the physical destructive procedure towards a continual reduction of the national **stockpile**.

**submunition**  
any **munition** that, to perform its task, separates from a parent munition.  
[AAP-6]

**mines** or munitions that form part of a **CBU**, artillery shell or missile payload.

**survey marker**  
a durable and long lasting marker used to assist in the management of marked and **cleared land** during **demining** operations.

**survivor (landmine/UXO)**  
persons either individually or collectively who have suffered physical, emotional and psychological injury, economic loss or substantial impairment of their fundamental rights through acts or omissions related to the use of mines and UXO. Mine survivors or victims include directly impacted individuals, their families, and communities affected by landmines and UXO.

**survivor assistance**  
see **victim assistance**

**technical survey**  
previously referred to as a Level 2 survey  
the detailed topographical and technical investigation of known or suspected **mined areas** identified during the planning phase. Such areas would have been identified during any information gathering activities or surveys which form part of the **GMAA process** or have been otherwise reported.

**temporary marking system**  
a marking system having a stated finite period of use (c.f. **permanent marking system**).

**tender**  
to present to another entity an unconditional offer to enter into a contract.

**tender process**  
the process of calling for and evaluating tenders to select a preferred contractor.

**test**  
determination of one or more characteristics according to a procedure. [ISO 9000:2000]

### **test and evaluation (T&E)**

activities associated with the testing of hardware and software.

Note: Activities include the formation and use of procedures and standards, the reduction and processing of data and the assessment and evaluation of **test** results and processed data against criteria such as defined **standards** and specifications.

### **turning point**

a fixed point on the ground which indicates a change in direction of the perimeter of the hazardous area. It shall be clearly marked and recorded. Buried metal objects should be used to mark all turning points for permanent future reference.

### **unexploded ordnance (UXO)**

EO that has been primed, fuzed, armed or otherwise prepared for use or used. It may have been fired, dropped, launched or projected yet remains unexploded either through malfunction or design or for any other reason.

### **United Nations Mine Action Service (UNMAS)**

the focal point within the UN system for all mine-related activities.

Note: UNMAS is the office within the UN Secretariat responsible to the international community for the development and maintenance of **IMAS**.

Note: UNICEF is the focal point for **MRE**, within the guidelines of UNMAS overall coordination.

### **user**

the individual or organisation that will operate the equipment.

Note: For the purpose of **mine action**, the user could also be defined as ‘a composite body of informed and authoritative opinions on the needs of national commercial and NGO users, today and in the future’.

### **verification**

confirmation, through the provision of objective evidence that specified requirements have been fulfilled. [ISO 9000:2000]

### **victim**

an individual who has suffered harm as a result of a **mine** or **UXO accident**.

Note: In the context of **victim assistance**, the term victim may include dependants of a mine casualty, hence having a broader meaning than survivor.

### **victim assistance**

survivor assistance

refers to all aid, relief, comfort and support provided to victims (including survivors) with the purpose of reducing the immediate and long-term medical and psychological implications of their trauma.

### **village demining**

self-supporting **mine** and/or **UXO clearance** and **hazardous area** marking, normally undertaken by local inhabitants, on their own behalf or the behalf of their immediate community. Often described as a *self-help initiative or spontaneous demining*, village demining usually sits outside or in parallel with formal mine action structures, such as *demining* undertaken by militaries or *humanitarian demining* such as is supported by the UN, international and national non-governmental organisations, private enterprise and governments, among others.

*The MAC is to coordinate activities in the country. The MAC shall, as required, a national mine action workplan, including the critical areas, priorities, and annual workplan. The National Mine Action Authority shall report regularly to the National Mine Action Authority on progress towards the full implementation of the national mine action plan and shall coordinate all operations in the country. The MAC shall develop a national mine action strategy, including the criteria for setting*



Geneva International Centre for  
Humanitarian Demining  
Centre International de  
Démontage Humainitaire - Genève

Geneva International Centre for Humanitarian Demining  
7bis, avenue de la Paix  
P.O. Box 1300  
CH - 1211 Geneva 1  
Switzerland  
Tel. (41 22) 906 16 60, Fax (41 22) 906 16 90  
[www.gichd.ch](http://www.gichd.ch)