

# Deminers Facing More Responsibilities in Developmental Phase

In Cambodia, mine action is no longer only about saving lives; it is also about supporting development efforts. However, in the context of development, the quality of mine clearance will be scrutinized. A recent mine accident during road construction has raised new issues involving the responsibilities of deminers.

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## Demining and Development

In recent months, a young man drove his backhoe into a lane in Pailin, northwest of Cambodia, and struck an AT mine, creating a violent explosion. He was injured and the backhoe was damaged. Immediately, before any thorough investigation, many claimed that the mine action operator, the Cambodian Mine Action Center (CMAC), and its deminers should take responsibility for both the damages and the injury.

After more than 10 years of operation, Cambodian deminers are now clearing minefields, not only to save the lives of the Cambodian population living in the most mine-contaminated areas, but also to support development efforts in Cambodia. The benefits of mine action are increasingly visible, as many development projects have taken place on land cleared of landmines, especially in rural areas of the country. The integration of mine action into the overall development strategy is a correct poverty reduction policy. Mine action is no longer an isolated business of strictly specialized agencies or non-government organizations (NGOs) such as the CMAC, HALO Trust and the Mines Advisory Group (MAG), which are now working in concert with other partners for development. However, in the context of development

and in light of incidents such as the backhoe accident, the quality of mine clearance will be closely scrutinized, as if cleared land remained suspect. Any primary development process could potentially be stalled and the credibility of mine clearance operators could be seriously ruined.

## Deminers and Their Responsibilities

While awaiting the findings of the experts completing the investigation on the backhoe incident, many assumptions could be made in attempt to identify the culprit. One assumption could be formed on the basis of a scenario in which the incident could happen even when the mine action operator has fulfilled his duties—operating in accordance with a high standard of safety within a sound management system. According to this assumption, the operator rejects his responsibility in the incident and may place blame on others, including his competitors or critics. If we are talking about the areas in northwestern Cambodia, such as Pailin, the assumption might not be valueless. Northwestern Cambodia is a former stronghold of the Khmer Rouge and is now administratively placed under the control of former Khmer Rouge cadres. Pailin is largely populated by former Khmer Rouge soldiers who are known for their art of manipulating and



■ A mine victim, a former Khmer Rouge soldier who lost his leg in 1997, stepped on a landmine planted by the Khmer Rouge army.

using arms of destruction. Landmines and explosive devices were reportedly used, in some cases, to settle personal disputes. There were also many cases where Khmer Rouge inhabitants took the initiative to clear new land for resettlement and agriculture. Sometimes they removed functioning landmines and kept them in their possession in violation of the national law on the ban of landmines.

However, even if the incident was unrelated to clearance quality, or if sabotage and personal dispute were the cause of the incident, the mine action operator must provide evidence that his deminers have been well-trained, as well-disciplined at work and have conscientiously followed accepted standards. Once he is able to establish the high quality of his services, using data and reports, the operator still

needs to explain to the general public the motive that his critics may have behind the incident. The exercise of such pedagogy barely proves to be persuasive, as it is hard to convince ordinary people to accept that the incident could be caused by factors other than the poor quality of mine clearance. People are looking to professional deminers for their safety expertise. They expect a high level of safety on cleared land.

Mine action managers should be vigilant vis-à-vis the performance of their workers, and they should take steps to ensure the quality of their services. Even the most experienced deminers make mistakes. Too sure of their skills, in a moment of inattention or amusement, they may overstep or omit the procedural rules. They may also do so to achieve the productivity target of the top management planners. The mine action standards, which are the deminers' bible, must be reviewed as often as necessary. The review conference should not only seek advice from two or more international specialists whose advisory contribution would give a universal characteristic to the standards. It should also seek advice from deminers, site managers, and operation and planning officers, top managers and government mine action authority officials.

The standards should be written under and within the International Mine Action Standards (IMAS) requirement, in easy local language to be used by local staff, rather than in English, which sometimes needs hair-splitting or incomplete and incomprehensible translation. If the local staff had the leadership and the initiative to produce the standards in their terms, using national capacity with assistance from international experts, it would demonstrate a highly conclusive effort in capacity building. However, the capacity-building effort would be seriously undermined if the international expert or Technical Advisor (TA) did the entire job and left a figurehead role to his local partner. The harm to the effort would be greater in a centralized or closed working system if the expert or TA and his local partner found personal and reciprocal interests in their cooperation—



■ In Cambodia, a landmine can either be neutralized (as these have been here) in situ or (destroyed).

the expert or TA doing all of the work and the local partner doing nothing except taking credit for the expert or TA's work.

In Cambodia, there is good and bad news in regard to producing standards in our terms. The good news is that we are in the process of establishing the national Cambodian Mine Action Standards (CMAS). The bad news is that CMAS are being translated from English into Khmer while the ideal process should be in the opposite direction.

In most cases, managers rely on field visits and documentation to get updated information on the clearance quality. However, if field visits can be made without difficulty, managers should pay more attention to documentation, as most deminers, including site managers, often are not studious writers or data recorders. Managers should ensure that information is collected and recorded in a systematic manner during the clearance operation. The records should be kept properly and in order, because they would be helpful in case of a dispute that may engage the responsibility of the managers' organization.

## National Authority Roles

In Cambodia, demining organizations continue to hand over cleared land

to local authorities, as utilizable lands are in high demand in a country on the verge of a dynamic developing phase. In fact, the Cambodian Mine Action Authority (CMAA), which was created in August 2000 by the Royal Government of Cambodia, is responsible for handovers. Although many stakeholders have applauded the Cambodian government's decision to create the CMAA, it is not fully operational yet. CMAA should take responsibility for the handover process or, at least, provide guidance for the handover documentation.

Documentation includes the completion report and certificate, not to mention other recommendations on the follow-up—the CMAA is in charge of mine action planning and management processes, especially those relating to cleared land. In the absence of guidance from the CMAA, demining organization managers may leave the handover, quality assurance, quality control and post-inspection clearance issues to the local authority, possibly delaying the resettlement, rehabilitation and development processes. In this case, they should report all completion of clearance operation to the CMAA and await its recommendations for the formal handover. But, if they choose to honor the commitment they made to their partners for development and to proceed with



the handover as planned, the managers should ensure that the completion report includes at least the most critical information such as hazard area and task identification, as well as clearance requirements (specified area and specified depth). The CMAA should ensure, whether by contractual arrangements or by recommendations, that any mine clearance operation is conducted under specified clearance requirements in accordance with the intended use of land.

In the Pailin case, the clearance operation started with no sign of any requirement for a specified depth, even though a survey had suggested the presence of a variety of AP and AT mines, including TM57s. The survey also suggested that the land would be used for road building. The demining platoons might have effectively cleared the area of landmines but did not attempt to go further and search for the AT mines. In addition, there was no indication of procedures and equipment used for the clearance operation, at least in the handover notice, when the assumed cleared land was handed over to the local authority.

It is good news to note the presence of a U.S. company in Pailin that specializes in mine clearance in the field. Under a bilateral contract with CMAC, the company is diligently performing the work of quality assurance and auditing. National ownership in mine action presupposes an active and coordinated involvement of national government, civil society and people, in a national program that has a common goal in partnership with the international community. The primary responsibility falls on the national mine action authority for the overall coordination as well as for finding a solution whenever any problem

arises. As the center of national management, the national mine action authority should adopt pro-active approaches in its work, as any inaction, which is often due to the lack of resources, would hinder or impede the efforts of other partners or agencies. Resources, funds, skills and expertise are always problematic. New resources are hard to harvest because the locally found or existing ones are either unusable or unnoticed. Even issuing

delivery of the support is sometimes slow or insignificant, as heavy bureaucracy or centralized working systems are rendering their political will unaccomplished. In addition, in some internationally funded programs, the government may voluntarily seek to prolong the international involvement, thus neglecting or omitting its own participation. Yet the international donors still regard the government budgetary contribution to mine action as a key



■ CMAC medics practice a medical evacuation (MEDEVAC) exercise in the field.

interim recommendations, prescribing interim policies or procedures, making transitional arrangements or taking transitional measures using the means available, would be much more positive than the “will be or will do” practice.

The national government is playing a key role in mine action, as without its active participation or endorsement, nothing could happen. Affairs related to mine action—such as security, legislation, external relations, humanitarian issues, human resettlement, rehabilitation, socio-economic development, land management and budget—cannot be tackled in the absence of the national government’s involvement. Many Cambodian government leaders have been advocating mine action, but the

element of national ownership, especially the funding for the full functioning of CMAA.

The national mine action authority should intervene to make the government decisions applicable, understandable and friendly to donors, and to ensure that government support is effectively and rapidly delivered. Likewise, the authority should work out a comprehensive long-term plan in support of the national mine action program, in a perspective totally independent from the international donors. The authority may turn to the Royal Cambodian Armed Forces (RCAF) and private companies or it may pursue the continuation of the existing national institution and use other resources and NGOs. The national

authority should ensure that all mine clearance operators, including the RCAF, are implementing mine clearance programs in accordance with a high standard of safety or with IMAS.

Civil society should play its part in mine action, as its involvement in any program may signal the apolitical nature of the program, thus gathering overwhelming support from all social categories of the population. In this regard, the national mine action authority should work closely with the civil society to mobilize public support for fundraising, mine risk education (MRE), mine information, security of deminers or for securing mine marking materials. When all the people are well aware of the humanitarian purposes of mine action, deminers’ work will be appreciated and widely supported, eliminating possible attempts for obstruction or sabotage, as well as removing suspicion and conflict.

**Moral Implication**

The incident in Pailin did not culminate in criminal prosecution. However, the incident did trigger a flurry of investigations and a series of negotiations among CMAC, the local authority and the victims for a comprehensive agreement on eventual compensation and medical care. According to the Royal Decree establishing CMAC, all staff of CMAC shall incur no personal liability during the performance of their official functions. However, the national demining institution shall assume responsibility in all such cases in accordance with the law in force.

As a matter of honesty, CMAC is not doubtful of its responsibility. It has already acknowledged some failure and has undergone a rigorous independent audit. CMAC provided the victim with instantaneous and appropriate medical care. He is now on his way back to normal life. To insist that CMAC alone must take both blame and responsibility for the incident proves to be inconceivable, as its mission is to clear or destroy mines.

In principle, CMAC is neither responsible for nor has the authority to hand over cleared land, which must



■ A typical CMAC deminer wearing personal protective equipment (PPE).

fall under the authority of CMAA. While awaiting the authority’s policies or recommendations on that matter and upon the urgent request of the local authority, CMAC was obligated to proceed with the handover. Furthermore, first-hand information obtained in the field suggested that the Khmer Rouge may have planted the AT mine. A former Khmer Rouge military commander told investigators that he had planted a dozen AT mines in the area when he was fighting against the Vietnamese troops in the 1980s. He had warned the backhoe driver of the danger of mines at the beginning of road construction. Ironically, the commander admitted that the backhoe formerly belonged to him and now the mine he had planted damaged it. If confirmed, the ex-Khmer Rouge commander’s affirmation would raise a curious moral implication, especially in a case where CMAC, a known humanitarian and non-profit national institution was compelled to compensate for damage and injury resulting from an act of warfare carried out by the Khmer Rouge, well known for their past records of human rights violation. Is it comprehensible, morally speaking?

The Pailin case is a good lesson for

all mine action operators and the national mine action regulatory body. Mine action is a business of safety; mine removal cannot be successfully carried out without skills and discipline, coordination and wide support. In Cambodia, in the future, as cleared land will be used more often, either for development projects or for resettlement, mine clearance operations need to be thoroughly checked, verified and well-documented. In mine action, to guarantee the highest safety standard, quality assurance arrangements must always be in place while quality control activities must always take place. ■

*\*All graphics courtesy of the author.*

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